

ARTICLE V. - BOARDS AND COMMISSIONS

Footnotes:

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Cross reference— *Board of library trustees, § 26-31 et seq.; parks and recreation commission, § 38-31 et seq.; board of parking place commissioners, § 58-381 et seq.; planning commission, § 70-31 et seq.*

DIVISION 1. - GENERALLY

Sec. 2-521. - Maximum number of terms.

No board or commission member shall be appointed to the same board or commission for consecutive terms so that the total number of years served on such board or commission exceed nine years.

(Code 1959, § 1-14; Ord. No. 2241, § 3 (part); Ord. No. 2955, § 2)

Charter reference— Terms of members of boards and commissions, § 801.

Sec. 2-522. - Qualifications of commissioners.

No person shall be appointed to a commission, unless at the time of appointment the person is 18 years of age and a resident in the city. This section shall not apply to the youth commission; commissioners serving on the youth commission shall be in compliance with section 2-643.

Editor's note— Ord. No. 4236, § 1, adopted July 10, 2017, repealed § 2-522, which pertained to vote required for removal of member and derived from Code 1959, § 1-13.5(d); Ord. No. 2241, § 3 (part); Ord. No. 2955, § 1; Ord. No. 3067, § 1; Ord. No. 3499, § 1; Ord. No. 3608, § 1; Ord. No. 3844, § 1; Ord. No. 3916, § 2 (part); Ord. No. 4305, § 1, 7-19-2021)

Sec. 2-523. - Appointment to salaried office.

No member of any board or commission of the city shall be eligible for appointment to any salaried office in the service of the city unless such board member or commissioner has resigned as a board member or commissioner prior to his appointment to the salaried position. No employee of the city shall be eligible for appointment to any board or commission.

(Code 1959, § 1-14.1; Ord. No. 2647, § 2; Ord. No. 3916, § 2 (part); Ord. No. 4305, § 1, 7-19-2021)

Charter reference— Filling vacancies, § 801(c).

Sec. 2-524. - Compensation; service limited.

All commissioners or board members appointed pursuant to this division shall serve without compensation. No individual shall serve on more than one commission at the same time.

(Code 1959, § 1-13.5(e); Ord. No. 2241, § 3 (part); Ord. No. 2955, § 1; Ord. No. 3067, § 1; Ord. No. 3499, § 1; Ord. No. 3608, § 1; Ord. No. 3844, § 1; Ord. No. 3916, § 2 (part))

Sec. 2-525. - Meetings.

All boards and commissions of the city, with the exception of the library board, shall hold at least one regular meeting each calendar month at the time and place determined by such board or commission. If the city manager or designee determines there are insufficient items for an agenda, the commission meeting may be canceled. The library board shall hold no less than one regular meeting each quarter.

(Code 1959, § 1-13.5(c); Ord. No. 2241, § 3 (part); Ord. No. 2955, § 1; Ord. No. 3067, § 1; Ord. No. 3499, § 1; Ord. No. 3608, § 1; Ord. No. 3844, § 1; Ord. No. 3916, § 2 (part); Ord. No. 4305, § 2, 7-19-2021)

Sec. 2-526. - Agenda.

The city manager or designee shall be responsible for placing items on the agenda of the commission.

(Ord. No. 4305, § 2, 7-19-2021)

Sec. 2-527. - Standard bylaws for all boards, commissions, and committees.

(a) *Members.*

(1) Attendance.

- a. Commissioners are expected to diligently attend and participate in all commission meetings. As far in advance of the commission meeting as practicable, a commissioner requesting an excused absence shall submit said request to the secretary. "Excused absence" means absence due to illness or injury, unexpected business, emergencies, important personal business, official city business, or any reasonable excuse that the commissioners approve.
- b. If a commissioner has three absences (excused or unexcused) within a calendar year (January 1 through December 31), the secretary shall place on the commission agenda the recommendation to city council for removal of the commissioner.
- c. If the commission votes to recommend removal of the commissioner, the commission's recommendation should be placed on the city council's agenda as soon as practicable.
- d. City council shall have final decision to remove the commissioner. The commissioner may continue to serve until final city council action.

- e. If the commission or city council do not recommend removal of the commissioner, then upon the commissioner's next absence (excused or unexcused) the secretary shall place again on the commission agenda the recommendation to city council for removal of the commissioner.
- f. This attendance policy using the calendar year will go into effect on January 1, 2024.

(2) Quorum.

- a. Quorum is defined as a majority of the legislative body members.

Total Number of Legislative Members	Quorum	Majority of a Quorum
5	3	2
6	4	3
7	4	3
8	5	3
<u>9</u>	5	3

- b. The commission consists of seven members, unless otherwise stated by city charter or ordinance. A quorum shall be sufficient to transact regular business.
- c. If less than a quorum appears at a regular meeting, then the secretary may adjourn the meeting to a stated day and hour. A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the regular, adjourned regular was held within 24-hours after the time of the adjournment. If the lack of a quorum is recognized in advance due to any commissioner's excused absence or vacant commission seats, then the secretary may adjourn the meeting to a stated day and hour, and the secretary shall notify each commissioner. The secretary shall cause a written notice of the adjournment to be delivered by electronic mail to each commissioner at least 4-hours before the adjourned meeting is to commence. If the meeting is cancelled less than 24-hours before the meeting is to commence, the secretary shall notify each commissioner by electronic mail and telephone call, and the secretary shall post a copy of the order or notice of adjournment on or near the door of the place where the regular, adjourned regular meeting.

d. Vacancies of a commission do not count towards quorum.

(3) Compliance with city, state, and federal law.

a. All commissioners shall comply with any disclosure requests by the commission secretary, city clerk, state law or federal law, including but not limited to, filing the statement of economic interest (Form 700), and attending ethics training (AB 1234).

(4) City issued property.

a. Name badges will be the only city issued property provided to commissioners by the city. Commissioners are required to return city name badges in their possession or control before their last day of service.

b. Any other use of the city seal or logo is prohibited. It is unlawful to make or use the city seal or logo for personal use.

(b) *Officers.*

(1) Chair and vice-chair.

a. *Election.* The commission at the first meeting of February, or as soon as practicable thereafter, shall by majority vote appoint a chair and vice chair. The chair and vice-chair should have at least one year's experience serving on the commission.

b. *Term of chair and vice-chair.* The term of the chair and vice-chair shall be for one year or until the successor chair/vice-chair is appointed by the commission members of the body they serve. Every effort must be made to ensure all commissioners have the opportunity to serve their term as chair and vice chair, provided they desire to serve.

c. *Presiding at the meeting.* The chair shall be the presiding officer at all meetings of the commission. In the absence of the chair, the vice-chair shall preside. In the absence of the chair and vice-chair, the secretary shall call the commission to order, whereupon the commission shall select a member to serve as the temporary presiding officer for the duration of the meeting.

d. *Duties of presiding officer.*

1. To efficiently conduct the commission meetings, including:

- i. Ensure that the meeting is conducted in an orderly fashion, that all items on the agenda are heard, and members of the public including applicants and opponents are heard.
- ii. Ensure that order and decorum is maintained at the meeting.
- iii. Ensure that commissioners are provided an opportunity to speak on an agenda item if the commissioner desires.

3.

Participation. The presiding officer may move, second, debate, and vote. The presiding officer shall not be deprived of any of the rights and privileges of a commissioner while acting as the presiding officer.

4. *Questions to be stated.* The presiding officer, or such member of the city staff as the presiding officer may designate, may verbally restate each question immediately prior to calling for the vote. Following the vote, the secretary shall announce whether the question was carried out or was defeated. At the presiding officer's discretion, may publicly explain the effect of a vote for the audience may direct the secretary to do so before proceeding to the next item of business.

- (2) *Secretary.* A city designated staff member shall serve as secretary of the commission but shall not be a voting member of the commission.

(c) *Meetings.*

- a. *Schedule.* Pursuant to Pomona City Code Section 5-52, the commission shall meet at least once a month, however the city manager or his/her designee, has the authority to cancel a meeting.
 1. *Compliance with the Brown Act.* The commission meetings are open to the public and shall be conducted in accordance with the provisions of the Ralph M. Brown Act (also referred to as the "Brown Act") found at California Government Code Section 54950 et seq.
 2. *Rosenberg's rules of order.* Rosenberg's rules of order, shall guide the conduct of the meetings.
 3. *Bylaws apply to all commission meetings.* These bylaws shall be applicable for each commission meeting whether the meeting is conducted in person or virtually.
 4. *Regular meetings.* Shall be held in the time and place identified on the agenda.
 5. *Adjourned meetings.* Any regular or adjourned meeting may be adjourned to a time, place, and date specified in the order of adjournment but not beyond the next regular meeting. If no time is stated in the order of adjournment, it shall be the same time as for regular meeting. Once adjourned, the meeting may not be reconvened. An adjourned regular meeting is a regular meeting for all purposes.
 6. *Special meetings.*
 - a. The chair or the secretary may call a special meeting.
 - b. *Notice.* The secretary shall notify each commissioner of the special meeting by sending each commissioner written notice by electronic mail. Such notice must be delivered by electronic mail no later than 72 hours before the special meeting as specified by the City Charter. The written notice shall specify the time and place of the special meeting and the business to be transacted. In addition to providing written

notice, the secretary shall attempt to provide the commissioners with telephone notice of the special meeting. The written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes.

- c. *Business at the special meeting.* At the special meeting, the commissioners shall not consider business other than the business identified in the notice of the special meeting and related agenda for that meeting.

(8) Agenda.

- a. City staff, at the direction of the city manager, shall prepare the agenda for each meeting, containing the specific items of business to be transacted.
- b. Except as otherwise allowed by the Brown Act, the commission shall not act on matters other than those listed on the agenda.
- c. Posting of the agenda. The agenda for regular meetings shall be posted no later than six calendar days before the regular meeting as specified by the City Charter in the following public places:
 - The location the commission meeting will be held
 - The bulletin board in the front of City Hall Council Chambers at 505 South Garey Avenue
 - The lobby of City Hall
 - City website

Example of Correct Posting Dates

Day of Meeting	Posting Day (Six calendar days prior to day of the meeting)
Monday	Tuesday
Tuesday	Wednesday
Wednesday	Thursday
Thursday	Friday

d.

The agenda shall contain the title headings and shall be conducted in substantially the order and the manner as set forth below:

- CALL TO ORDER
- PLEDGE OF ALLEGIANCE
- ROLL CALL

The secretary shall call the roll of the commissioners, and the names of those present shall be entered in the minutes.

- PUBLIC COMMENT

The commission shall hear anyone in the audience desiring to address the commission on any matter that is within the commission's subject matter jurisdiction but is not on the meeting agenda. Anyone desiring to address the commission is limited to three minutes, unless lessened or extended by a majority vote of the commission. The maximum total time to be devoted to this section of the agenda is 30 minutes, unless extended by a majority vote of the commission.

- COMMISSIONER COMMUNICATION

The commission may briefly provide comments for items within the purview of the commission but that are not on the agenda, provide brief announcements, or request that items be considered to be placed on future agenda. If action needs to be taken, the item(s) must be properly scheduled on the agenda prior to such action, unless otherwise allowed by the Brown Act.

- CONSENT CALENDAR

All items on the consent calendar shall be enacted in one motion unless a commissioner requests a specific item be removed from the consent calendar for discussion.

Minutes shall be placed on the consent calendar, and the commission may make non-substantive modifications and amendments to the action minutes, by a majority vote. Should the commission desire to make a substantive modification, the commissioners shall identify the text they believe is in error and vote to continue the minutes to the next agenda. The commission secretary shall, after the meeting, review the recording of the commission meeting and if the substantive modification is supported by the recording of then the commission secretary shall make the change to the minutes. If the recording does not support the modification of the minutes, the commission secretary shall not make modifications to the minutes.

- DISCUSSION ITEMS

The commission may continue discussion of any items carried over from previous meetings, or discuss new items on the agenda. These items include all matters properly brought before the commission which require action or discussion, but do not require a public hearing. Anyone in the

audience desiring to address the commission on a specific agenda item is limited to three minutes, unless extended by a majority vote of the commission.

- PUBLIC HEARINGS

Please see Section V.-Public Hearings.

- STAFF COMMUNICATION

The commission shall consider all verbal or written communication from staff. If action needs to be taken, the items must be properly scheduled on the agenda prior to such action under the rules stipulated by the Ralph M. Brown Act.

- ADJOURNMENT

The meeting shall be adjourned to a time and date certain.

(9) Commission debate

- a. A commissioner desiring to speak shall first address the presiding officer, and be recognized by the presiding officer before speaking.
- b. A commissioner, once recognized, should not be interrupted by another commissioner.

(10) Rules of decorum.

- a. Commission meetings shall be conducted in an orderly and expeditious manner while maintaining discourse and deliberation in a civil, respectful, and cordial manner.
- b. Commissioners shall preserve order and decorum during the meetings. Commissioners shall not engage in private conversations during the meeting, interrupt the proceedings, or refuse to obey the order of the presiding officer.
- c. To avoid potential violation of the Brown Act, the use of cell phones and/or other digital devices by commissioners for texting, or other means of electronic communication during the meeting, is prohibited.
- d. There shall be no smoking or eating during the commission meeting.

(11) Public comments.

- a. Any person desiring to address the commission shall fill out a speaker card and indicate the speaker's name, and agenda item during which the person wishes to speak. However, a member of the public shall not be required, as a condition to speak at a meeting to register his or her name, to provide other information, to complete a questionnaire, or otherwise to fulfill any condition precedent to his or her participation or attendance. When the presiding officer calls the speaker's name, the speaker shall then approach the

podium (or other location the presiding officer instructs), state his/her name for the record, and proceed to address the commission. All remarks and questions shall be addressed to the commission as a whole, not to any single commissioner.

- b. Every person addressing the commission shall limit the comments to three minutes, or such reasonable time as is granted by the presiding officer. When any group of persons wishes to address the commission on the same subject matter, the presiding officer may request that the group select a spokesperson to represent the group and avoid unnecessary repetition.
- c. Members of the public shall not interrupt the commission meeting or engage in disorderly conduct, including but not limited to, as hand clapping, stamping of feet, whistling, using profane language, yelling, and similar demonstrations, or disturb the peace and good order of the meeting in any way, or refuses to comply with the lawful orders of the presiding officer.

(12) Voting.

- a. *Voting procedure.* All commissioners present at a meeting when a motion question comes up for a vote shall vote for or against the motion or shall abstain. The secretary shall declare the result and note for the record all "yes" votes and all "no" votes, and any abstentions. The commission may also vote by roll call vote, ballot, or voting machine. Regardless of the manner of voting, the results reflecting all "yes" and "no" votes must be clearly set forth for the record. In order to be adopted, a motion requires the "yes" vote of a majority of the commissioners present that are eligible to vote on the matter before the commission, or by a two-thirds vote if specified in these bylaws, the City Code, or State law.
- b. *References to "majority vote" in these bylaws* mean a majority of the commissioners present that are eligible to vote on the matter before the Commission.
- c. *Disqualifying conflict of interest.* Commissioners shall not vote if private or personal interests are likely to conflict with the general public interest. The Political Reform Act shall apply to every commissioner. The commissioner with the disqualifying conflict of interest shall state the nature of the conflict of interest the record in sufficient detail to be understood by the members of the public, and recuse themselves from discussing or voting on the matter. The commissioner will then leave the room until after the discussion, vote, or any other disposition of the matter. A recused commissioner no longer counts toward the quorum.
- d. *Failure to vote.* Every commissioner, without a disqualifying conflict of interest which requires an abstention, should vote. A commissioner is not forced to vote, however a commissioner who abstains without a disqualifying conflict of interest shall be counted as

an affirmative vote to the motion made.

- e. *Lost motions.* A lost motion is one that fails to receive the necessary number of votes to carry. Tie votes result in a lost motion.
- f. *Recordation of votes.* The secretary shall record the commission's voting results in the minutes and shall include, by commissioner's name, "aye" votes, "no" votes, abstentions due to a disqualifying conflict of interest, and absences.

(13) Minutes.

- a. *Action minutes.* The minutes of the meeting shall be action minutes which shall include the motions and the voting results of that motion. If the commission is acting in a quasi-judicial proceeding then the minutes shall also include a synopsis of the evidence considered by the commission for those quasi-judicial items.
- b. *Preparation of minutes.* The secretary is exclusively responsible for preparing the minutes. The minutes may only be changed by a majority vote of the commission.

(14) Committees.

- a. *Ad Hoc committees.* The commission may establish Ad Hoc committees. Ad Hoc committees shall only be advisory to the commission and shall contain less than a quorum of the commissioners. The Ad Hoc committee must have a specific task and shall only exist for a limited duration. An Ad Hoc committee will dissolve upon completion of the specific task. Ad Hoc committees are not subject to the Brown Act.
- b. *Standing committees.* Standing committees are subject to the Brown Act, and as such, necessitate city resources. If the commission would like to consider establishing a standing committee, the commission may make such request of the commission secretary. The commission secretary shall consult with the city manager to determine if the standing committee would be consistent with the city council's goals and directions. If a standing committee is authorized by the city manager then the secretary will agendize the appointment of the standing committee. The commission may appoint less than a quorum of the commissioners to serve on the standing committee. The standing committee shall have a specific task, has no specific expiration date, and is subject to the Brown Act. The city manager, or the commission can terminate a standing committee at any time.

(15) Public hearings. Public hearings procedures (Note: this section will only apply to those commissions that conduct public hearings).

- a. The procedures for the public hearing shall be as follows:
 - i. The presiding officer opens the public hearing and announces the item.
 - ii. City staff presents its report, including any environmental analysis or

recommendation.

- iii. Questions of staff by commissioners.
- iv. Presentation by applicant or representative has up to eight minutes to address the commission. In the case of an appeal when the appellant is different from the applicant, the appellant is called first to provide comments or testimony.
 - A. Any applicant or appellant wishing to present a power point or other presentation shall provide the presentation to staff at least 24-hours in advance of the hearing. Any presentation time will be inclusive of the eight minute speaker time.
 - B. City staff will be in control of the presentation during the meeting, the applicant or appellant will direct when to advance the presentation.
- v. Members of the public are provided with the opportunity to present their comments, testimony, or arguments. Members of the public must fill out speaker cards; the public may speak for three minutes. If there are a number of speakers, the presiding officer, with consensus of the commission may reduce the time each speaker is allowed to speak.
- vi. After all speakers have had an opportunity to speak, the applicant shall have up to five minutes for rebuttal of any opposition raised.
- vii. The commission may permit the applicant to exceed the preceding time limits if the commission determines that the proposed project's complexity requires additional time for the applicant to make an adequate presentation.

(16) Amendments. These bylaws may be amended by action of the city council.

(Ord. No. 4328, § 1, 8-7-2023)

Editor's note— Ord. No. 4328, § 1, adopted August 7, 2023, set out provisions intended for use as § 2-526. Inasmuch as there were already provisions so designated, said section has been codified herein as § 2-527 at the discretion of the editor.

Secs. 2-528—2-550. - Reserved.

DIVISION 2. - COMMUNITY LIFE COMMISSION

Sec. 2-551. - Established.

There is established a commission to be known as the community life commission of the city.

(Code 1959, § 2-50; Ord. No. 2516, § 1)

Sec. 2-552. - Duties and responsibilities.

The duties and responsibilities of the community life commission shall be to:

- (1) Listen to citizen concerns, regarding quality of life and neighborhood issues, acting as a conduit between local government and the Pomona residents to address such concerns. Foster a city-people relationship and work with both the city government and other agencies and groups.
- (2) Work with the city department in identifying and ameliorating quality of life issues with which they or residents may be concerned about, including but not limited to traffic lights, turn signals, bike lanes, pedestrian right-of-way, etc., while providing regular updates and projected timelines of resolutions.
- (3) Compile current information about human needs, human resources, and evaluate community programs and services designated to meet human needs and work toward more effective delivery of services and reduction of duplication of services, including but not limited to those listed on the Pomona's Promise website.
- (4) Review and make recommendations on quality of life issues prior to the city council consideration.
 - a. Provide a forum for discussion of matters of social concern which affect the community.
 - b. Respond to requests by the city council for such recommendations and projects as assigned to it by the city council.
 - c. Hold joint meetings with the city council and other city commissions involved in the area concerning quality of life at times convenient to the city council and several commissions.
- (5) Represent, or attend with city council, city events—such as neighborhood watch meetings, Pomona's Promise meetings, park dedications, National Night Out, community gatherings, etc.
- (6) Work with community organizations requesting funds for a finding of public benefit to evaluate how funds would be used to improve the quality of life for community services and in-need families in Pomona prior to the city council consideration.
- (7) Acting in accordance with the city council's community development block grant (CDBG) program strategy, the individual commission members will perform in an advisory manner to the council concerning planning, implementing and assessing the CDBG program support awarded to community based organizations. This will be accomplished through the following tasks:
 - a. Individual members serving as chair or facilitator of community meetings by disseminating information and materials regarding scheduled public forums with public/private entities and within councilmember districts;

- b. Assist with the collection of input, data and information concerning neighborhood and community meetings; and
- c. Review information on applications and status reports provided regarding program progress at the end of the fiscal year; to use as recommendations for city council's final decision.

(Code 1959, § 2-53; Ord. No. 2516, § 4; Ord. No. 2609, § 1; Ord. No. 2843, § 1; Ord. No. 3016, § 1; Ord. No. 3796, § 1; Ord. No. 4294, § 1, 12-7-2020)

Sec. 2-553. - Staff liaison.

The city manager or designee shall designate a member of city staff to serve as the staff liaison of the community life commission. Such liaison facilitator shall have the duties and responsibilities of acting as liaison officer between the community life commission and the city council, the city manager and the various departments of the city and shall assist the commission in carrying out its duties and responsibilities as provided for by this division. He shall make such reports to the city council as it may direct him and to the city manager as the city manager or designee may direct him. He shall, however, attend those meetings of the community life commission as so directed by the commission and attend such committee meetings of the community life commission as he deems appropriate to carry out his functions. He shall provide such advice, information and material available to him to assist the commission and its several committees in conducting their studies and surveys. The various departments of the city are directed to cooperate with the commission and its liaison in supplying such information and material as may be necessary to carry out the spirit and intent of this division and the purpose of the community life commission.

(Code 1959, § 2-54; Ord. No. 2516, § 5; Ord. No. 2843, § 2; Ord. No. 3687, § 1; Ord. No. 4305, § 3, 7-19-2021)

Secs. 2-554—2-580. - Reserved.

DIVISION 3. - CULTURAL ARTS COMMISSION

Sec. 2-581. - Established; purpose.

There is established a cultural arts commission which shall be a formal commission charged with the responsibility of promoting the arts and coordinating cultural activity within the city so that all groups may have opportunities to participate in artistic pursuits. The commission shall have available to it the necessary information to do this.

(Code 1959, § 18-60; Ord. No. 2558, § 1)

Sec. 2-582. - Duties and responsibilities.

- (a) The cultural arts commission shall have the following duties and responsibilities:
- (1) Relate to the community the artistic and cultural heritage of the city.
 - (2) Disseminate information to the public concerning opportunities to view and participate in cultural and art activities.
 - (3) Conduct and sponsor cultural and art events.
 - (4) Coordinate cultural and art programs within the city and seek to bring into the city new programs and activities.
 - (5) Assist the planning commission when called upon to provide artistic and cultural elements in connection with plans of development of the city such as the master plan and specific development plans.
 - (6) Seek and promote scholarships for promising students of the arts.
 - (7) Conduct an annual cultural art program at such location as approved by the city council that will focus public attention upon the arts and will tend to attract people to the city from all over southern California and beyond.
 - (8) Work with business persons and leaders of industry to assist them with ideas in making the environment more artistically and culturally pleasing.
 - (9) Such other activities that will generally promote the cultural and artistic growth and betterment of the city.
 - (10) Designate historical monuments pursuant to the procedures set forth in the zoning ordinance.

(Code 1959, § 18-62; Ord. No. 2558, § 1; Ord. No. 2637, § 1; Ord. No. 4305, § 4, 7-19-2021)

Secs. 2-583—2-610. - Reserved.

DIVISION 4. - HISTORIC PRESERVATION COMMISSION

Sec. 2-611. - Created.

There is hereby created and established an historic preservation commission to lead in the application, enforcement and education of the historic preservation regulations set forth in section .5809-13 of the city zoning ordinance.

(Code 1959, § 21-1; Ord. No. 3790, § 1)

Sec. 2-612. - Guiding mission.

The protection, appreciation and preservation of the historic and cultural resources of the city shall be the guiding mission and fundamental purpose of the historic preservation commission. The commission shall work in partnership with property owners and residents, the business sector and the community at large to retain and protect those historic and cultural resources which will preserve and enhance the city's uniquely built environment.

(Code 1959, § 21-2; Ord. No. 3790, § 1)

Sec. 2-613. - Membership, composition and qualifications.

Commission members should possess interest and knowledge of historic preservation and the historic and cultural resources of the city and an expertise and experience in the disciplines of architecture, history, architectural history, planning or other historic preservation-related disciplines, such as urban planning, American studies, American civilization, cultural geography, or cultural anthropology, to the extent that such professionals are available in the community. Commission membership should also include other persons who have demonstrated competence, knowledge, or experience in the history, architecture or cultural heritage of the city as will provide for an adequate and qualified commission.

(Code 1959, § 21-3; Ord. No. 3790, § 1; Ord. No. 4305, § 5, 7-19-2021)

Secs. 2-614, 2-615. - Reserved

Sec. 2-616. - Powers and duties.

- (a) Subject to state law and procedures prescribed in this division, the historic preservation commission shall have and may exercise the following powers and duties:
 - (1) Aid the city in applying for a certified local government program and advise the city on how to conform with the federal preservation program. Further, the commission shall assist in the annual application process for preservation grants for which certified local government programs are eligible.
 - (2) Periodically update historic survey results and publicize the findings.
 - (3) Recommend to the city council that certain areas, places, buildings, structures, natural features, works of art or similar objects having significant historical, cultural, architectural, community or aesthetic value as part of the heritage of the city be designated as historic landmarks or that an area be designated an historic district.
 - (4) Advise staff on the city's historic register which identifies all sites, natural features, buildings and structures designated and approved as historic landmarks, historic districts or contributors to the city council. A description of the historic landmark or historic district and

its reason for inclusion shall be contained therein. Copies of the register and list shall be transmitted to the city clerk, the departments of community development, community services, public works, and other appropriate departments and governmental agencies.

- (5) Encourage public understanding and involvement in historic, architectural, archaeological and cultural heritage through educational programs such as lectures, tours, walks, reports or publications, films, open houses, and special events.
- (6) Explore means for the protection, retention and use of any designated or potential historic landmark and historic district, including, but not limited to, appropriate legislation; tax incentives; and financing, such as encouraging independent funding organizations or private, local, state or federal assistance.
- (7) Approve, conditionally approve or disapprove in whole or in part an application for a certificate of appropriateness regarding the demolition, alteration, or removal of a landmark or the improvement of a natural feature within an historic district consistent with the provisions of the city's zoning code.
- (8) Recommend and encourage the protection, enhancement, appreciation and use of historic and cultural resources which have not been designated as historic landmarks or landmark districts and take such steps as it deems desirable to recognize such resources, including, but not limited to, listing, certificates, letters or plaques.
- (9) Render advice and guidance, upon request of the property owners, on the restoration, alteration, decoration, landscaping or maintenance of any historic landmark or contributor to an historic district.
- (10) Recommend for adoption written design standards to be used by the commission in reviewing applications for permits to construct, change, alter, modify, remodel, remove, demolish or affect any historic landmark or historic district.
- (11) Advise and assist the city council and property owners regarding the identification of appropriate government agencies or private parties to accept the grant of interests, such as conservation easements, that further the purpose of historic preservation in the city.
- (12) Research and report to the city council on the use of various federal, state, local or private funding sources and mechanisms available to promote historic preservation in the city.
- (13) Investigate the feasibility of participating in making application to the certified local government program and make recommendations to the city council; make recommendations to the city council regarding uses for the funding available through the certified local government program.
- (14) Render advice and guidance, upon the request of property owners, on procedures for inclusion of a building, structure, improvement or site on the local or state register of historic places or the National Register of Historic Places.

- (15) Confer recognition upon the owners of designated historic landmarks or historic districts by means of certificates, plaques or markers and from time to time recommend that the city council issue commendations to such owners who have rehabilitated their property in an exemplary manner.
- (b) The commission shall be charged with maintaining an information system capable of tracking the following:
 - (1) The processing time from the application to a determination of certificates of appropriateness;
 - (2) The number and percentage of rejected applications for certificates of appropriateness;
 - (3) The number of applications for economic hardship; and
 - (4) Recommendations from property owners or professions in the building trades to improve the process.

The commission shall collect other information it deems useful in evaluating the effectiveness of the historic preservation ordinance. On an annual basis at a minimum, the commission shall submit a report to the city council as to the effectiveness, efficiency and satisfaction with the historic preservation procedures. This report shall include any recommendations for changes to the ordinance or changes in the procedures of the commission.

- (c) The commission shall submit an annual report of its activities to the state office of historic preservation at the end of each calendar year. The report shall include but not be limited to such information as appointments to the commission, resumes of commission members and staff, attendance records of members, official minutes of the commission meetings, revisions in the enabling ordinance if applicable, sponsorship of special workshops and conferences, summaries of environmental review cases requiring commission comments, new landmarks and historic districts designated, review of National Registrar nominations, cultural resources survey updates, and other pertinent activities performed by the commission.

(Code 1959, § 21-7; Ord. No. 3790, § 1; Ord. No. 4305, § 5, 7-19-2021)

Secs. 2-617—2-640. - Reserved.

DIVISION 5. - YOUTH COMMISSION

Sec. 2-641. - Established.

There is established a commission to be known as the youth commission of the city.

(Ord. No. 4274, § 2, 12-2-2019)

Sec. 2-642. - Duties and responsibilities.

- (a) Attend, participate and actively engage in commission meetings.
- (b) Keep informed and be familiarized with the function, progress, and development of citywide matters.
- (c) Attend workshops, seminars, conferences, and trainings that further the commission's leadership capabilities and skills.
- (d) Conduct meetings in similar fashion to other commissions and boards by the city, which follow Robert's Rules of Order and are governed by the Brown Act.
- (e) Report activities, issues, trends, and concerns to the city council and city commissions reflecting Pomona's youth.

(Ord. No. 4274, § 2, 12-2-2019)

Sec. 2-643. - Membership.

The commission will consist of seven high school age youth, enrolled in grades 9—12, who are residents of the City of Pomona. The mayor and each councilmember will appoint one member to serve as a representative of the diverse needs and interests of Pomona's youth. When possible, each appointee shall serve one consecutive two-year term.

(Ord. No. 4274, § 2, 12-2-2019)

Secs. 2-644—2-650. - Reserved.

DIVISION 6. - POLICE OVERSIGHT COMMISSION

Sec. 2-651. - Establishment and purpose.

There is hereby established the police oversight commission (hereinafter referred to as the "commission"), which is established to increase the accountability and public confidence in the Pomona Police Department and the police complaint process and provide a forum for community conversations about the operation and review of law enforcement activities.

(Ord. No. 4303, § 3, 5-17-2021; Ord. No. 4333, § 3, 8-7-2023)

Sec. 2-652. - Appointment and removal.

- (a) Notwithstanding Section 801 of this Charter, the commission shall be comprised of five members appointed by a majority vote of the city council.

- (b) The commission shall be made up exclusively of Pomona residents who have the ability to be fair and impartial, reflect the diversity of the community and possess other additional qualifications as determined by the city council.
- (c) The city council shall promptly remove a commissioner for violations of confidentiality, refusal to complete any required training or other violations as determined by the city council.
- (d) The city clerk shall prepare application forms requiring applicants to provide information demonstrating that they meet qualification requirements set forth in Division 6.

(Ord. No. 4303, § 3, 5-17-2021; Ord. No. 4333, § 3, 8-7-2023)

Sec. 2-653. - Qualifications of commissioners.

- (a) All members of the commission shall reside in the City of Pomona.
- (b) Elected or appointed officers and employees serving the city shall not be eligible for appointment to the commission.
- (c) Any person who is currently an employee of the Pomona Police Department shall not be eligible for appointment to the commission.
- (d) Any person who was an employee of the Pomona Police Department shall not be eligible for appointment to the commission for at least five years following their separation date from the city.
- (e) Any person who was employed as a law enforcement officer for any local, county, state or federal agency shall not be eligible for appointment to the commission for at least five years following the date that they last served in that role.
- (f) Any person who has been charged and disciplined for official misconduct as defined in SB1421 in their position of employment as a law enforcement officer shall not be eligible for appointment to the commission.
- (g) Practicing attorneys who handle, or are members of firms or entities that currently handle, criminal or civil matters involving the Pomona Police Department shall not be eligible to serve on the commission.

(Ord. No. 4303, § 3, 5-17-2021; Ord. No. 4333, § 3, 8-7-2023)

Sec. 2-654. - Terms of office.

Each commissioner shall serve a term of four years and may be reappointed by a majority vote of the city council, except that the initial terms for two of the members, as determined by the city council, shall be two years to ensure continuity. Mid-term vacancies shall be filled by a majority vote of the city council.

(Ord. No. 4303, § 3, 5-17-2021; Ord. No. 4333, § 3, 8-7-2023)

Sec. 2-655. - Duties and responsibilities.

The police oversight commission shall have the following functions and duties, among others as requested by the city council, which are not otherwise inconsistent with section 806 of the Pomona Charter:

- (a) Advise the mayor, city council, city manager, and/or police chief on all police and law enforcement community relations issues.
- (b) Conduct public outreach to educate the community on the purpose of the commission and to hear from the community with respect to policing.
- (c) Review information and statistics regarding police complaints, policies and practices and advise the Pomona Police Department in matters pertaining to police policies and practices.
- (d) Receive notification from the police chief when a use of force complaint involving a sworn member of the police department is received or initiated. Complaints resulting in a criminal investigation may delay a report from the police chief as administrative investigations are conducted at the conclusion of criminal investigations.
- (e) Authorize the use of an independent auditor, investigator, or inspector general to review and/or investigate incidents arising out of or in connection with the actions of sworn personnel of the Pomona Police Department, including i) the death of any individual arising from the use of force or actions of sworn police personnel, ii) complaints of use of force against a minor, and iii) other incidents involving sworn personnel of the Pomona Police Department as determined by a majority of the commission's membership. With respect to such reviews and investigations, the commission shall:
 - 1. Discuss results of reviews and investigations and share such results in public meetings to the extent legally permissible under State and Federal law.
 - 2. Following a review and/or investigation, make findings and recommendations to the city manager and police chief related to allegations of misconduct who shall consider them when making disciplinary determinations, provided that the commission makes such findings and recommendations and submits them to the police chief and city manager prior to disciplinary action being taken.
- (f) Request reports from the police chief and conduct meetings on new incidents which meet the public disclosure requirements set forth in SB1421. SB 1421 gives the public the right to access records related to investigation and discipline of peace officers where a law enforcement officer fired a gun at a person, or used force that resulted in serious injury or death; where an officer committed sexual assault against a member of the public, including attempts to coerce sex or proposition sex while on duty and where an officer engaged in dishonesty in the investigation, reporting, or prosecution of crime or police misconduct.
- (g)

Investigate, through the inspector general or a third-party investigator, any new incident which the commission finds; (1) has created a controversy in the community and (2) is the type of incident requiring public disclosure under SB1421.

- (h) Receive community complaints and concerns and refer them to the city manager, police department, and/or an independent auditor, investigator, or inspector general for review and response.
- (i) Prepare and submit an annual report to the city council on commission activities and recommendations.
- (j) Perform other duties and exercise other powers as may be prescribed by this charter or by ordinance or resolution of the city council as more particularly set forth in section 2-659.

(Ord. No. 4303, § 3, 5-17-2021; Ord. No. 4333, § 3, 8-7-2023)

Sec. 2-656. - Commissioner confidentiality and training

- (a) Prior to attending his or her first commission meeting, each commissioner shall take an oath and execute a confidentiality agreement stating that they will not divulge confidential information, including identities of witnesses and contents of confidential testimony and documents, either during their term of office or thereafter to ensure that private personnel information and other information subject to state law protections is not released or shared.
- (b) Each commissioner shall sign an acknowledgment that they have never been disciplined for employee misconduct.
- (c) No later than 90 days after appointment, each member shall:
 - (1) Participate in a ride-along with the Pomona Police Department; and
 - (2) Receive training in relevant subject matters facilitated by inspector general, by attending training sessions sponsored by the National Association for Civilian Oversight of Law Enforcement or similar entities, or through presentations provided on topics including, at a minimum, constitutional rights and civil liberties, fundamentals of procedure, evidence, and due process, procedural rights and confidentialities afforded to police officers by California law (including, but not limited to, Government Code section 3300 et seq. and Penal Code sections 832.7 and 832.8), police department operations, policies, practices, and procedures, and duties, responsibilities, procedures, and requirements associated with all ranks and assignments.

(Ord. No. 4303, § 3, 5-17-2021; Ord. No. 4333, § 3, 8-7-2023)

Sec. 2-657. - Appointment of independent auditor, inspector general, investigator.

- (a) Any independent auditor, investigator or inspector general retained or hired to assist the commission shall be selected by the city council or, by majority vote of the city council, delegated to the city manager, subject to approval of the commission, by a majority vote of the membership of the commission.
- (b) Inspector general.
 - (1) The inspector general may be an individual or firm that designates an individual to serve in this role. The inspector general shall have at least five years of experience in investigative, auditing, and public policy work in a related field that includes experience with statistics and data collection in a public sector entity. Experience and background in law enforcement policy and practice is desirable.
 - (2) The inspector general may assist the commission in performing its duties. The commission may authorize the inspector general to audit complaint files and review policies to ensure best practices are implemented. The commission may engage the inspector general to make recommendations or conduct independent investigations as provided in section 2-655(e) and (g) above.
 - (3) The inspector general shall conduct all audits and investigations in a fair, objective, impartial and ethical manner, and shall comply with all laws concerning interviews of police officers. The inspector general may discuss findings with the commission and/or the public so long as the inspector general complies with California Penal Code sections 832.5 and 832.7 and California Government Code sections 3300, et seq.
 - (4) The inspector general may meet with the commission in closed session as authorized by the Brown Act and under circumstances requiring closed session discussions.

(Ord. No. 4303, § 3, 5-17-2021; Ord. No. 4333, § 3, 8-7-2023)

Sec. 2-658. - Meetings.

The commission shall hold its first meeting within 30 days after all of its members have been appointed. At such meeting, the commission shall fix the time and place of regularly scheduled meetings which shall not be less than once each month. The police chief or a person designated by the city manager shall attend all regular and special meetings of the commission.

(Ord. No. 4303, § 3, 5-17-2021; Ord. No. 4333, § 3, 8-7-2023)

Sec. 2-659. - Legislation and regulations to further goals of Charter Section 806.

The commission may make recommendations to the city council for enacting legislation or regulations that will further the goals and purposes of Pomona Charter section 806. The city council may, on its own motion, enact legislation or regulations that will further the goals and purposes of section 806, but shall not

adopt such legislation or regulations that reduce the duties or powers of the commission or which otherwise conflict with said Charter section. Legislation or regulations proposed by the council shall be submitted to the commission, once established, for review and comment. The commission shall have 60 days to submit its comments to the city council, such time to be extended only by consent of the city council. The city council shall consider the commission comments prior to enacting any legislation or regulations, provided, however, that the city council may enact legislation as necessary to implement charter section 806, including the provisions relating to the selection of the commission, prior to such time that commission members are selected and sworn into office.

(Ord. No. 4333, § 3, 8-7-2023)

Sec. 2-660. - Commission Funding, Support.

- (a) The city council shall provide funding, staffing, training, and resources to ensure the commission can successfully perform its duties and exercise its powers.
- (b) City departments shall cooperate, provide relevant documents, and render all necessary and reasonable assistance to the commission in support of the duties specified herein.

(Ord. No. 4333, § 3, 8-7-2023)

Sec. 2-661. - Subpoenas.

The commission may issue subpoenas to require the attendance of witnesses, including persons employed by the City of Pomona, and the production of documents and records pertinent to the investigation and to administer oaths to such witnesses and to take testimony to the extent permissible by law. Failure to comply with such subpoena shall be punishable as a misdemeanor.

(Ord. No. 4333, § 3, 8-7-2023)

Secs. 2-662—2-700. - Reserved.

DIVISION 7. - INDEPENDENT REDISTRICTING COMMISSION

Footnotes:

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Editor's note— Ord. No. 4297, § 3, adopted Feb. 8, 2021, set out provisions intended for use as Div. 6, §§ 2-821—2-827. Inasmuch as there were already provisions so designated, said section has been codified herein as Div. 6, §§ 2-701—2-707 at the discretion of the editor. Subsequently, former Div. 6 has been renumbered as Div. 7, at the discretion of the editor, to facilitate inclusion of Ord. No. 4303, § 3, adopted May 17, 2021, as Div. 6, §§ 2-651—2-658.

Sec. 2-701. - Commission established.

- (a) There is established the 2021 Pomona Independent Redistricting Commission, which shall be vested with the authority to redraw council district boundaries as provided in this division.
- (b) The commission shall:
 - (1) Be independent of mayor and city council control;
 - (2) Conduct an open and transparent process enabling full public consideration of and comment on the drawing of council district boundaries;
 - (3) Comply with the provisions in this division; and
 - (4) Conduct itself with integrity and fairness.
- (c) The commission may:
 - (1) Adopt for itself rules of procedure not in conflict with this division; and
 - (2) Adopt rules and regulations for the interpretation and implementation of this division.

(Ord. No. 4297, § 3, 2-8-2021)

Sec. 2-702. - Power and duty of commission to adopt council district boundary map.

- (a) Within one year of census-block-level population data from a regular United States decennial census being made available to the public, the commission shall adopt a final map establishing new council district boundaries and a final report explaining its decision. The final map shall include a precise map and written description of the boundaries of each council district, as well as the future sequencing of council elections to implement the final map. In the final report, the commission shall explain the rationale for the council district boundaries, including, at a minimum, an explanation of how the final map complies with the redistricting requirements and criteria in section 2-706 of this division and a reasonable justification for any council district boundary that does not comply with any redistricting criterion.
- (b) A commission-adopted final map has the force and effect of law and is effective immediately upon adoption, unless on the date of adoption there are less than 180 days until the next city election, in which case the final map shall not go into effect until after that election and after any applicable run-off election following that election.
- (c) If the commission does not adopt a final map by the deadline in subsection (a), the city council shall petition the superior court for an order prescribing new council district boundaries in accordance with the redistricting criteria and requirements set forth in section 2-706 and Elections Code section 21629.
- (d) Any territory that is annexed, consolidated, or otherwise attached to the city shall be allocated to a council district pursuant to this subsection, effective upon the completion of such annexation, consolidation, or other proceedings. The city clerk shall update the final map accordingly.

- (1) If the territory's boundary is contiguous to the boundary of not more than one council district, the territory shall be allocated to that council district.
- (2) If the territory's boundary is contiguous to the boundaries of two or more council districts, the territory shall be allocated to the council district with which it shares the longest boundary.
- (3) If the territory's boundary is not contiguous with the boundary of any council district, the territory shall be allocated to the closest council district.

(Ord. No. 4297, § 3, 2-8-2021)

Sec. 2-703. - Commission organization.

- (a) The commission shall consist of seven commissioners. Members of the commission shall serve without compensation.
- (b) The term of office of each commissioner shall begin on or about June 1, 2021 and expires four years later.

(Ord. No. 4297, § 3, 2-8-2021)

Sec. 2-704. - Commissioner qualifications, requirements and post-service restrictions.

- (a) Each commissioner must be a resident of the city.
- (b) To the extent practicable, the following persons should not serve as a commissioner:
 - (1) A person who, or whose spouse, parent, sibling, child or in-law, within the eight years immediately preceding the date of application to be on the commission, has been elected to or appointed to, or been a candidate for, city elective office;
 - (2) A person who, or whose spouse, within the eight years immediately preceding the date of application to be on the commission; or whose parent, sibling, child or in-law, within the four years immediately preceding the date of application to be on the commission, has:
 - a. Served as an officer of, employee of, or paid consultant or contractor to a campaign committee or a candidate for city elective office;
 - b. Served as an officer of, employee of, or paid consultant or contractor to a political party or as an elected or appointed member of a political party central committee;
 - c. Served as a staff member, paid employee of, a consultant to, or who has contracted with, any currently serving city elected official;
 - d. Been a registered city lobbyist, or someone who was required to be a registered city lobbyist;
 - e. Contributed to any candidate for city elective office, in a single year, \$500.00 or more; or
 - f. Served as a principal officer of an active campaign committee that has made expenditures on candidate elections for a city elective office.

- (c) Within 30 days of appointment, an appointed commissioner shall file with the city clerk a statement of economic interest (FPPC Form 700), or similar financial disclosure statement, as required under the city's conflict of interest code, and shall agree to the city's code of ethics and written ethics pledge.
- (d) A commissioner shall not do any of the following:
 - (1) Endorse, work for, volunteer for, or make a campaign contribution to, a candidate for city elective office while serving on the commission. A commissioner choosing to engage in such activity may resign at any time, including after the approval of a final map to ensure that the commissioner no longer serves if the commission is reconvened to redraw districts.
 - (2) Be a candidate for city elective office or be appointed by the city council to such office in lieu of an election if either of the following is true:
 - a. Less than five years has elapsed since the date of the commissioner's appointment to the commission; or
 - b. The election for that city office will be conducted using district boundaries that were adopted by the commission on which the commissioner served, and those district boundaries have not been subsequently readopted by a commission after the end of the commissioner's term.
 - (3) For four years commencing with the date of the commissioner's appointment to the commission:
 - a. Accept employment as a staff member of, or consultant to, a city elected official or candidate for city elective office; or
 - b. Receive a noncompetitively bid contract with the city.

(Ord. No. 4297, § 3, 2-8-2021)

Sec. 2-705. - Commissioner selection and removal.

- (a) The city clerk shall initiate and publicize the application process to serve on the commission. Applicants shall attest on the application, under penalty of perjury, that the information provided in the application is true.
- (b) The city clerk shall forward any applications received to the mayor and each member of the city council. The mayor and each city council member, pursuant to the procedure set forth in section 801 of the City Charter, shall select a commissioner and notify the city clerk of the selection by the deadlines established by the city clerk. The mayor shall select a commissioner at-large and each of the six councilmembers shall, to the extent practicable, select a commissioner from his or her council district. These seven individuals shall serve as the commission. The mayor and city councilmembers, exercising their independent judgment, shall make these selections. The mayor and city councilmembers shall make each selection taking into consideration the applicant's

ability to meet the requirements of section 2-704, relevant analytical skills, familiarity with the city's neighborhoods and communities, ability to be impartial, and apparent ability to work cooperatively with other potential commissioners. The commission members should reasonably reflect the city's diversity; provided that no quotas, formulas, or ratios may be applied for this purpose.

- (c) The commission shall be fully established on or about June 1, 2021.
- (d) The city council may remove a commissioner pursuant to section 801(c) of the City Charter.
- (e) If a commissioner resigns or is removed from the commission, the appointing mayor or city council member shall appoint a replacement pursuant to the procedure set forth in section 801 of the City Charter.
- (f) For purposes of this section, "diversity" includes, but is not limited to, racial, ethnic, gender, and sexual orientation diversity.

(Ord. No. 4297, § 3, 2-8-2021)

Sec. 2-706. - Redistricting requirements and criteria.

- (a) The commission shall draw its final map so that:
 - (1) Council districts are substantially equal in population as required by the U.S. Constitution, as based on the total population of residents of the city as determined pursuant to California Elections Code section 21621, or successor statute; and
 - (2) The final map complies with the U.S. Constitution; the Federal Voting Rights Act, the California Constitution; and any other requirement of federal or state law applicable to charter cities.
- (b) In addition to following the requirements of subsection (a), the commission shall consider the following criteria when drawing the final map, in order of priority:
 - (1) To the extent practicable, council districts shall be geographically contiguous. Areas that meet only at the points of adjoining corners are not contiguous. Areas that are separated by water and not connected by a bridge, tunnel, or regular ferry service are not contiguous;
 - (2) To the extent practicable, the geographic integrity of any local neighborhood or local community of interest shall be respected in a manner that minimizes its division. A "community of interest" is a population that shares common social, cultural or economic interests that should be included within a single district for purposes of its effective and fair representation. Communities of interest do not include relationships with political parties, incumbents, or political candidates;
 - (3) Council district boundaries should be easily identifiable and understandable by residents. To the extent practicable, council districts shall be bounded by natural and artificial barriers, by streets, or by the boundaries of the city;
 - (4)

To the extent practicable, and where it does not conflict with the preceding criteria, council districts shall be drawn to encourage geographical compactness in a manner that nearby areas of population are not bypassed in favor of more distant populations;

- (5) Geography and topography. Districts should respect major topographic and geographic features of the city;
 - (6) All district lines should correspond to census blocks in order to preserve the validity of data and avoid arbitrary boundaries;
 - (7) District numbering and election sequencing should remain constant for as many voters as possible; and
 - (8) Other commission-adopted criteria that do not conflict with the other requirements and criteria listed in this section.
- (c) Council district boundaries shall not be drawn for the purpose of favoring or discriminating against a political party.
 - (d) The commission shall number each council district such that, for as many residents as practicable, the number of the council district they reside in remains the same.
 - (e) The commission shall not consider place of residence of any individual, including any incumbent or political candidate, in the creation of a map.
 - (f) This section constitutes the comprehensive and exclusive criteria by which the commission shall evaluate and approve council district maps under this division.

(Ord. No. 4297, § 3, 2-8-2021)

Sec. 2-707. - Public meetings, public comment and redistricting map approval.

- (a) The commission shall establish and implement an open meeting process for public input and deliberation that is promoted through an outreach program to solicit broad public participation in the redistricting process. Except as set forth herein, the commission shall comply with the Ralph M. Brown Act and all other applicable state and city requirements for open meetings.
- (b) On or about July 1, 2021, the city manager shall retain the services of a duly certified demographer/redistricting consultant for the commission and shall appropriate the necessary funds to hire the demographer/consultant. The demographer/consultant shall review and analyze the city's population data contained in the most recent United States decennial census and shall prepare one or more draft electoral district maps for the commission's consideration, which are in compliance with applicable federal and state law for the drawing of such maps.
- (c) Prior to adopting a final map, the commission shall hold at least four noticed public hearings, at which the public is invited to provide input regarding the composition of one or more council districts. At least one public hearing shall be held before the commission draws a draft map or maps of the proposed council boundaries. The commission may have city staff, the city's retained

demographer or other consultant conduct one or more public workshops in lieu of holding a public hearing prior to drafting the map or maps. At least two public hearings shall be held after the commission has drawn a draft map or maps of the proposed council district boundaries. At least one public hearing or workshop shall be held on a Saturday, on a Sunday, or after 6:00 p.m. on a weekday Monday through Friday. At least one public hearing shall be a joint public hearing with the city council as set forth in subsection (i) below. Public hearing buildings shall be accessible to persons with disabilities and the council shall arrange for live translation of a public hearing or workshop in an applicable language if a request is made at least 72 hours before the hearing or workshop.

- (d) Notwithstanding the provisions of the Brown Act, notice of the date, time and location for any public hearing or workshop shall be published on the city's internet website for at least five days before the hearing/workshop; provided that if there are fewer than 179 days until the city's next regular election, the commission may publish the agenda on the city's internet website for at least three days before the hearing/workshop.
- (e) The commission shall establish and implement a process for accepting written public comment, either in writing or electronically, including the submission of draft maps and draft partial maps for the commission's consideration. Each draft map prepared by a member of the commission, by city employees or consultants, or by members of the public shall be accompanied with information on the total population, citizen voting age population, and racial and ethnic characteristics of the citizen voting age population of each proposed council district, to the extent the city has that data.
- (f) The city shall either record or prepare a written summary of each public comment and commission deliberation made at every public hearing or workshop held pursuant to this division. The city shall make the recording or written summary available to the public within two weeks after the public hearing or workshop.
- (g) A final map may not be adopted by the commission unless and until:
 - (1) A proposed final map with substantially similar council district boundaries has been adopted at least seven days earlier at a prior public hearing; and
 - (2) A proposed final map has been published on the city's internet website for at least seven days and made available to the public for at least seven days prior to final adoption; provided that if there are fewer than 179 days until the city's next regular election, the proposed final map may instead be published on the city's internet website for at least three days.
- (j) The city shall establish, and maintain for at least ten years after the adoption of new council district boundaries, an internet web page dedicated to redistricting. The web page may be hosted on the city's existing internet website or another internet website maintained by the city. The web page shall include, or link to, all of the following information:

- (1) A general explanation of the redistricting process for the city in English, Spanish and other any applicable language as defined under state law.
- (2) The procedures for a member of the public to testify during a public hearing/workshop or to submit written testimony directly to the commission in English, Spanish and any applicable language.
- (3) A calendar of all public hearing and workshop dates. A calendar listing that includes the time and location of the public hearing or workshop satisfies the notice required by subsection (c).
- (4) The notice and agenda for each public hearing and workshop.
- (5) The recording or written summary of each public hearing and workshop.
- (6) Each draft map considered by the commission at a public hearing.
- (7) The adopted final map of council district boundaries.

(Ord. No. 4297, § 3, 2-8-2021)

Secs. 2-708—2-820. - Reserved.