



CITY OF POMONA

COUNCIL REPORT

September 11, 2023

To: Honorable Mayor and Members of the City Council

From: James Makshanoff, City Manager

Submitted By: Rosalia A. Butler, City Clerk

SUBJECT: INTRODUCTION OF AN ORDINANCE AMENDING THE POMONA CITY CODE CREATING AN ETHICS COMMISSION PURSUANT TO THE PROVISIONS OF ARTICLE VIII, SECTION 807 OF THE CHARTER OF THE CITY OF POMONA

RECOMMENDATION:

It is recommended that the City Council introduce, waive further, and give first reading to the following ordinance:

ORDINANCE NO. 4337 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, CREATING AN ETHICS COMMISSION PURSUANT TO SECTION 807 OF THE CITY CHARTER OF THE CITY OF POMONA

EXECUTIVE SUMMARY:

At the November 8, 2022 General Municipal Election, the voters in Pomona approved to create an Ethics Commission through a new amendment to the City Charter (Attachment No. 1). This proposed Ordinance No. 4337 (Attachment No. 2) amends the City Charter to create an Ethics Commission.

FISCAL IMPACT:

Unknown at this time.

DISCUSSION:

According to Section 2-803 of proposed Ordinance No. 4337, the Ethics Commission shall have the following duties and responsibilities:

“The Commission shall have the powers, duties and responsibilities set forth in this Division 8 and elsewhere in the City Charter which provides that the Commission shall monitor and advise on applicable governmental ethics laws as set forth in State law, the City Charter or City ordinance, regulation or policy, including but not limited to campaign finance limits and disclosure, nepotism, lobbying, conflict of interest and open meeting laws, to assure fairness, openness, honesty and integrity in City government, including compliance by the City of Pomona, its elected officials, officers, employees, boards and commissions with said laws, regulations or policies; and 2) educate and respond to issues regarding the aforementioned laws, regulations, and policies.”

Prepared by:

Karla Shipman, CMC
Assistant City Clerk

ATTACHMENTS:

- 1) Attachment No. 1 – Approved Charter Amendment
- 2) Attachment No. 2 – Proposed Ordinance No. 4337

**AN AMENDMENT TO THE CITY CHARTER OF THE CITY OF POMONA
ADDING AN ETHICS COMMISSION**

Add the following new Section to the City Charter:

“ARTICLE VIII. Appointive Boards and Commissions

Sec. 807. - Ethics Commission

The Pomona City Council shall, by ordinance, establish an Ethics Commission which shall be responsible for:

- (a) Monitoring and advising on applicable governmental ethics laws as set forth in State law, this Charter or City ordinance, regulation or policy, including but not limited to campaign finance limits and disclosure, nepotism, lobbying, conflict of interest and open meeting laws, to assure fairness, openness, honesty and integrity in City government, including compliance by the City of Pomona, its elected officials, officers, employees, boards and commissions with said laws, regulations or policies.
- (b) Education and responding to issues regarding the aforementioned laws, regulations, and policies; and
- (c) Impartial and effective administration and implementation of programs to accomplish the goals and purposes of the Commission as defined by this Section.”

ORDINANCE NO. 4337

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA
CREATING AN ETHICS COMMISSION PURSUANT TO SECTION 807
OF THE CITY CHARTER OF THE CITY OF POMONA**

WHEREAS, Section 807 of the City Charter requires the City Council to create an Ethics Commission.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Pomona as follows:

SECTION 1. The City Council hereby finds that the foregoing recital is true and correct and is incorporated herein.

SECTION 2. The City Council of the City of Pomona finds the adoption of this ordinance to be statutorily exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Regulation 15061(b)(3). Under Regulation 15061(b)(3), the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the project is exempt from CEQA. This ordinance will not affect the physical environment by permitting a new use or intensifying an existing use. The ordinance establishes a policy commission. There is no potential for the changes to result in a significant effect on the environment.

SECTION 3. The City Council of the City of Pomona hereby adds a new Division 8 to Article 5 of Chapter 2 of the Pomona Municipal Code to read as follows:

“DIVISION 8.- ETHICS COMMISSION

- 2-801 Establishment and purpose.
- 2-802 Appointment
- 2-803 Duties and responsibilities.

Sec. 2-801. – Establishment.

There is hereby established an Ethics Commission (hereinafter referred to as the “Commission”).

Sec. 2-802. – Appointment.

The Commission shall consist of seven (7) members who shall be appointed in accordance with Section 801 of the Pomona City Charter whereby the Mayor and each Councilmember shall appoint one Commissioner.

Sec. 2-803. – Duties and Responsibilities.

The Commission shall have the powers, duties and responsibilities set forth in this Division 8 and elsewhere in the City Charter which provides that the Commission shall monitor and advise on applicable governmental ethics laws as set forth in State law, the City Charter or City ordinance, regulation or policy, including but not limited to campaign finance limits and disclosure, nepotism, lobbying, conflict of interest and open meeting laws, to assure fairness, openness, honesty and integrity in City government, including compliance by the City of Pomona, its elected officials, officers, employees, boards and commissions with said laws, regulations or policies; and 2) educate and respond to issues regarding the aforementioned laws, regulations, and policies.

SECTION 4. The City Clerk shall attest and certify to the passage and adoption of this Ordinance, and shall cause same to be posted as required by law and this Ordinance shall take effect thirty (30) days after its final adoption.

SECTION 5. If any section, subsection, sentence clause or phrase or word of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction or preempted by state legislation, such decision or legislation shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Pomona hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence clause or phrase or word not declared invalid or unconstitutional without regard to any such decision or preemptive legislation.

PASSED, APPROVED AND ADOPTED THIS ____ DAY OF ____, 2023

ATTEST:

CITY OF POMONA:

Rosalia A. Butler, City Clerk

Tim Sandoval, Mayor

APPROVED AS TO FORM:

Sonia Carvalho, City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)
CITY OF POMONA)

I, ROSALIA A. BUTLER, CITY CLERK of the City of Pomona do hereby certify that the foregoing Ordinance was introduced and adopted at a regular meeting of the City Council of the City of Pomona held on the ____ day of ____, 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Rosalia A. Butler, City Clerk