



CITY OF POMONA COUNCIL REPORT

April 21, 2025

To: Honorable Mayor and Members of the City Council

From: Anita D. Scott, City Manager

Submitted By: Sonia Carvalho, City Attorney
Maritza Sosa-Nieves, Assistant to the City Manager

SUBJECT: ADOPTION OF RESOLUTION ESTABLISHING THE MEASURE Y-CHILDREN AND YOUTH FUND IMPLEMENTATION POLICY AND INTRODUCTION OF AN ORDINANCE TO SUNSET THE YOUTH COMMISSION TO PROVIDE EXPANDED OPPORTUNITIES FOR YOUTH ON THE MEASURE Y ACCOUNTABILITY BOARD

RECOMMENDATION:

It is recommended that the City Council take the following actions:

1) Adopt the following resolution:

RESOLUTION NO. 2025-49 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, ADOPTING THE MEASURE Y IMPLEMENTATION POLICY PURSUANT TO SECTION 4 OF THE POMONA KIDS FIRST INITIATIVE: THE POMONA FUND FOR CHILDREN AND YOUTH; and

2) Conduct a public hearing and receive public testimony; and

3) Introduce, waive further, and give first reading of the following ordinance:

ORDINANCE NO. 4356 – AN ORDINANCE OF THE CITY OF POMONA, CALIFORNIA, DELETING DIVISION 5, YOUTH COMMISSION, FROM ARTICLE V, BOARDS AND COMMISSIONS, OF CHAPTER 2, ADMINISTRATION, TO SUNSET THE COMMISSION TO PROVIDE EXPANDED OPPORTUNITIES FOR YOUTH ON THE MEASURE Y CHILDREN AND YOUTH FUND ACCOUNTABILITY BOARD, A 15-MEMBER BOARD OF WHICH EIGHT MEMBERS MUST BE BETWEEN 15 AND 24 YEARS OLD

EXECUTIVE SUMMARY:

In November 2024, the City of Pomona voters adopted Measure Y, known as the Pomona Kids First Initiative, which established the Children and Youth Fund and the Department of Children and Youth. City staff, working with an ad hoc committee of the City Council, reviewed the Measure and recommended actions to implement it immediately as directed by the voters. Implementation requires numerous actions to create efficiencies, clarify intent, and adopt a Policy as authorized by Section 4 of Measure Y. As first steps to implementation, staff recommends the adoption of a Resolution adopting the Measure Y Policy and adoption of an Ordinance to sunset the existing Youth Commission to provide expanded opportunities for youth on the Measure Y Accountability Board, a 15-member board of which eight must be between 15 and 24 years old.

SB1439/GOVERNMENT CODE §84308 APPLICABILITY:

☐ When this box is checked, it indicates the agenda item is subject to the Levine Act SB1439 requirements. Councilmembers are reminded to check their campaign contributions and determine whether they have received a campaign contribution of \$500 or more that would require disclosure and/or recusal from discussing or acting on this agenda item. Campaign contributions of \$500 or more made 1) by any person or entity who is identified in the agenda report as the applicant or proposer or 2) on behalf of the applicant or participant, including a parent, subsidiary or otherwise related business entity, or 3) by any person who has a financial interest in the agenda item requires a councilmember to comply with SB1439

FISCAL IMPACT:

There is no fiscal impact to the General Fund or the Children and Youth Fund with this action. The transfer of \$1.6M from the General Fund to the Children and Youth Fund in Fiscal Year (FY) 2024-25 was approved by the City Council on January 6, 2025, per Section 1802(a) which required the City to set aside 2% of General Fund revenues by January 1, 2025. The next transfer from the General Fund to the Children and Youth Fund will be included in the FY 2025-26 Budget with a set aside amount of 5% of General Fund revenues.

PREVIOUS RELATED ACTIONS:

On March 18, 2024, the City Council approved Resolution No. 2024-41, submitting to the qualified voters of the City of Pomona an initiative charter amendment requiring at least ten percent of the City's annual unrestricted general purpose revenues to be allocated to children and youth programs and services, at the municipal general election held on Tuesday, November 5, 2024.

DISCUSSION:

This report is divided into three parts to cover: (I) Measure Y background and the need to take immediate steps to hire a Director; (II) Proposed Measure Y Policy, Legislation authorized by Section 4 of the Measure; and (III) Proposed Ordinance sunsetting the Youth Commission to provide expanded opportunities for youth on the Measure Y Accountability Board.

Section I - Measure Y Background and Children and Youth Department Director

A. Background

On May 15, 2023, the City received a Notice of Intent to Circulate a Petition and proposed initiative measure, as described above, from a group of Pomona residents who are proponents of the measure.

Sections 904 and 1601(a) of the City's Charter provide that local initiative measures to amend the City Charter shall follow the procedures set forth in the California Elections Code, except where they conflict with the Charter or the Municipal Code. No conflicting provisions exist in the Charter or Code; therefore, the Elections Code governs the City's initiative procedure for proposing charter amendments. In accordance with the Elections Code, the City Attorney's office prepared and sent a ballot title and summary of the Measure to the proponents on May 26, 2023. The proponents then had six months from receipt of the ballot title and summary to gather enough signatures to qualify the Measure for the ballot.

On November 20, 2023, the proponents submitted a signed petition to the City Clerk's Office. As is standard practice, the City Clerk's Office forwarded the signed petition to the Los Angeles County Registrar of Voters to verify the validity of the petition signatures.

On January 24, 2024, after County verification, the City Clerk's Office notified the proponents that the petition contained 12,948 valid signatures. While local initiative ordinance measures typically require only the valid signatures of 10 percent of the City's registered voters to qualify, Elections Code section 9255(c) sets a higher threshold for initiative charter amendment measures, at 15 percent of the City's registered voters. According to the latest official report, there are 74,017 registered voters in the City of Pomona, and 12,948 signatures represent more than 15% of that number. Therefore, this initiative charter amendment qualified for the ballot.

At the February 5, 2024 Council meeting, the City Council received the City Clerk's Certificate of Sufficiency of Initiative Petition certifying that the measure had obtained the required number of signatures. At that time, the City Council chose the option, under the Elections Code, to direct staff to prepare a financial analysis. Staff prepared an impartial and informational report analyzing the impact of the Measure on the City's finances, ability to provide public services, land use and development regulations, and the like. After presentation of the report, the Council placed the Measure on the November 5, 2024, Statewide and Municipal General Election ballot. The voters approved the measure. As a result, the City must implement the Measure.

To assist staff with the implementation of Measure Y, the Mayor appointed a Council ad hoc committee. Staff has scheduled meetings with the ad hoc committee, and the ad hoc committee supports the actions recommended in this staff report.

Additionally, the implementation of Measure Y has been organized into three distinct phases to ensure the timely execution of all its components. The tentative timeline and corresponding implementation objectives are outlined below:

Phase I January '25 – December '25	Phase II January '26 – August '26	Phase III September '26 – duration of Measure
<ul style="list-style-type: none"> - Measure Y Implementation Policy - Adoption of the Children and Youth Department Director Job Description - Hire Director of Children and Youth Department - Develop Accountability Board Application - Select members for Accountability Board 	<ul style="list-style-type: none"> - Develop Funding Application - Propose Schedule to Award Funding - Develop Evaluation and Audit Processes - Community Needs Assessment - Propose Expanded Policy Terms 	<ul style="list-style-type: none"> - Strategic Investment Plan presented to City Council - Award Grants - Evaluate Progress - Update additional Policy Terms

This phased approach is designed to methodically address each element of Measure Y, ensuring all steps are completed within the designated timeframes while facilitating coordinated progress across the organization. The aforementioned dates and goals are fluid and may change as components are finalized and implemented.

B. Status - Money has been transferred to the Children and Youth Fund

Section 1802(a) of the Measure required the City to set aside two percent (2%) of its annual actual unrestricted general purpose revenues to establish and support the infrastructure of the Children and Youth Fund and the newly created Department of Children and Youth.

On January 5, 2025, the City Council approved the allocation of \$1,645,780 from the General Fund to the Children and Youth Fund. The Act also authorized the City to set aside ten percent (10%) of the Fund for costs related to administering the Fund, staff support, infrastructure, and overhead costs. Additionally, the City may set aside up to 5% of the Fund to evaluate its use and determine whether it is effective in achieving the stated goals. With the established funding, the City can now proceed with hiring a Director for the newly created department.

C. Hiring of Department Director and Establishing Department

The Measure requires the establishment of a new Children and Youth Department and the hiring of its Director. The actions are imperative to the successful implementation of Measure Y. Measure Y provides that the Accountability Board shall hire and evaluate the Department Director; however, the initial steps of creating a department and establishing processes for the Accountability Board require a Department Director. This priority dilemma was discussed with the Measure Y Council ad hoc committee.

Further complicating the hiring of a Director for Measure Y is that the Charter provision creating the Department of Children and Youth does not address operational issues related to employment laws and processes, internal purchasing requirements, decision-making policies, among others, that ensure the proper functioning of a city department within a City Charter that has created a

Council-Manager form of government. Section 603 of the City Charter states that the City Manager may appoint any or all officers and department heads of the City. Section 1807 of Measure Y also states that the Department of Children and Youth “shall operate under the auspices of the City Manager.”

To reconcile the numerous conflicts and facilitate the practical implementation of Measure Y, it is recommended that the Council adopt the Measure Y Policy (Attachment No. 1), as discussed below, to authorize the City Manager to appoint the first Director of the Children and Youth Department. This will enable the immediate hiring of a person to undertake the initial work necessary to successfully establish and operate the new department.

Staff acknowledges that this proposal could be viewed as conflicting with Measure Y; however, Section 4 of Measure Y authorizes the Council to adopt enabling legislation (such as the proposed Policy) regarding any aspect of the Fund's implementation not addressed in the Measure. The Measure does not acknowledge the legal conflicts with the City Charter or the practical implications of authorizing an appointed board to make employment and hiring decisions. As the Measure states that the Director shall be an employee of the City, the best way to reconcile the matter is to authorize the City Manager to make the initial appointment and then to follow the Policy proposal that the City Manager work with the Human Resources Director to develop proper review and employment processes to include the Accountability Board so as to carry out the intent of the voters.

If adopted, the Policy will provide a conflict resolution process to facilitate a collaborative approach to addressing concerns with staff recommendations or Council decisions regarding Measure Y. The staff recommendations are all made in good faith and in the spirit of implementing Measure Y, rather than resorting to a legal process to reconcile the conflicts.

II. Proposed Policy

Consistent with the law, which requires the City of Pomona to fully enforce and implement a voter-approved measure, it is recommended that the City Council adopt the proposed Measure Y Policy (Attachment No. 1) by adoption of Resolution No. 2025-49 (Attachment No. 2). The Policy provides for the interpretation of the Measure, the establishment of procedures, and the reconciliation of the Measure with the law, all to ensure that the Measure is fully implemented without delay or legal challenge.

This Policy is recommended pursuant to the authority set forth in Section 4 of the Measure, which reads as follows: “Enabling Legislation. The City Council may pass enabling legislation consistent with this Article regarding any aspect of the fund implementation not addressed in this Act, including reporting requirements. The City Council shall adopt such legislation to be effective by October 1, 2025, and shall amend such legislation as necessary in the future.

The Policy is proposed to contain the following Sections, some of which are presented for approval and some of which are reserved for future consideration of the City Council.

Section 3.1 Funding - Proposed now.

Section 3.2 Application to the Board - future adoption.

Section 3.3 Establishment of Department/Role of City Manager/Hiring of Director - Proposed now.

Section 4.1-6.1 [Reserved]

Section 7.0 Ethics and Conflicts of Interest - future adoption.

Section 8.0 Awarding Grants - future adoption.

Section 9.0 Resolving Policy Conflicts to Avoid Legal Challenges - Proposed now.

A. Funding

1. Annual Appropriations and Source of Funding - Section 1802(j) states that the City shall set aside a portion of its annual actual unrestricted general purpose revenues to be transferred to the Children and Youth Fund in the amounts specified in the measure. The annual amount of actual unrestricted general purpose revenues are supposed to be calculated by the City Manager and must include all of the following sources of revenue received by the City: (1) Property Taxes, (2) General Sales and Use Taxes, (3) Utility Users Tax, (4) Property Transfer Tax, (5) Transient Occupancy Tax, (6) Fines, forfeitures and penalties, (7) Interest from general fund reserves, and (8) other revenues that the City can use for any lawful, municipal purpose. The City shall not define which revenues are to be considered unrestricted general purpose revenues in a manner inconsistent with the measure.

By law, the City may adopt development impact fees and various user fees that must reflect the actual costs of providing services. Proposition 26, Proposition 218, and the Mitigation Fee Act (Government Code Section 66000) all identify various fees and changes for which the City must account for and ensure that they do not exceed the reasonable cost of providing the service or impact, unless approved by the voters as a tax. The user fees are currently in the General Fund. For tracking purposes, the city will separate accounts for these fees and will not include them in the calculation of the General Fund transfer to Measure Y. Examples of these amounts are: Cost recovery, charges for services, reimbursements, GASB entries, Intergovernmental revenues, permits and fees.

Every fiscal year during budget adoption, an estimated amount will be allocated in the budget for the General Fund transfer to the Youth and Children Fund. This amount will be transferred in quarterly installments, each equal to one-fourth of the estimated total, on July 1, October 1, January 1 and April 1. By October 31, amounts will be trued up based on actual unrestricted general fund revenues, excluding any revenues that are classified as cost recovery or those that reimburse the General Fund for the cost of providing services.

2. Separate Accounting - Section 1804(d) provides that each fiscal year a maximum of ten percent (10%) of the Children and Youth Fund can be used for costs related to administering the Children and Youth Fund, including, staff support, basic infrastructure, support for the agencies administering the contracts, and overhead costs; and an additional amount of five percent (5%) to evaluate the results the use of the Fund.

Every fiscal year during budget adoption, an estimated amount will be allocated in the budget for the General Fund transfer to the Youth and Children Fund. This amount will be transferred in quarterly installments, each equal to one-fourth of the estimated total, on July 1, October 1, January 1, and April 1. By October 31, amounts will be trued up based on actual unrestricted general fund revenues, excluding any revenues mentioned in the above paragraph.

B. Establishment of Department - Role of City Manager/Hiring of Director

Charter Section 603(a) states that the City Manager shall “appoint, and when necessary, to suspend or remove, any or all officers and department heads of the City ...” Recognizing that Section 1807 has a conflicting provision which states that: “The Department shall be staffed by an Executive Director who is hired and evaluated by the Accountability Board and who is an employee of the City” this Policy will reconcile the differences to ensure implementation of the Measure. The City’s employee recruitment, hiring, and evaluation processes all comply with State law and are based on best practices in local government to protect the City and its employees. The City does not have policies or legal authority permitting the hiring of a “city employee” by anyone other than the City Manager. Recognizing that the intent of Measure Y is to provide for an independent Director of the Department of Children and Youth, the City will appoint and employ the Director in accordance with this Policy.

The City Manager shall initiate the appointment process for the Department’s first Director so that the Director can assist in forming the Department and the creation of the first Accountability Board. The City Manager shall comply with all existing personnel rules and procedures for creating job descriptions, securing City Council approval of the position, salary, and benefits, consistent with the manner in which any new Director position would be created and filled.

The City Manager shall work with the Human Resources Director to create a memorandum outlining the process for evaluating the Director and incorporating the Measure Y-mandated involvement of the Accountability Board into the evaluation and future hiring processes. The memorandum shall also outline the process for disciplining or terminating the Director in a manner consistent with the City’s employment rules and policies.

C. Resolving Conflicts

The City Manager and City Attorney are legally required to ensure that Measure Y is implemented to carry out the will of the voters. This Policy is an example of the City’s good faith in implementing Measure Y while also reconciling inconsistencies and legal conflicts with the City Charter and state laws. To ensure a collaborative process to shape Measure Y policy and resolve conflicts without legal challenges, the City will use the following process:

1. Within 30 days from the adoption of the policy or any amendment, any person or organization that has a concern about how the City is implementing Measure Y through its Policy may submit a letter of concern to the City Manager. The letter should provide a description of the concern, reference the section of Measure Y or the Policy which they believe is not being properly implemented and provide examples or specific facts.

2. The City Manager shall assign a person to review the concern, contact the person who submitted the letter of concern and prepare a written response.
3. If the person who submitted the letter of concern is not satisfied with the response, they may request an in-person meeting with the City Manager and City Attorney.
4. If the matter is not resolved following the meeting with the City Manager and City Attorney, the City Manager may request that the Mayor appoint an ad hoc committee of the City Council to review the matter.
5. If the matter is not resolved by the ad hoc committee, the City may, but is not required to, request that the matter be referred to outside legal counsel for review.

The intent of this process is to provide a collaborative approach to conflict resolution, ensuring the implementation of Measure Y.

III. Ordinance to Sunset Youth Commission to Expand Opportunities for Youth on the Accountability Board

The City of Pomona has established a Youth Commission as an advisory body to the Pomona City Council. The Commission is committed to giving a voice to young people and promoting their involvement in local government. The Commission is currently comprised of seven members. In past years, the City has cancelled Youth Commission meetings due to insufficient attendance to establish a quorum. In June 2025, five Youth Commissioners will graduate from high school, leaving five vacancies on the Commission.

As the new Accountability Board for Measure Y - Children and Youth Fund mandates that at least eight members of the 15-member board be between the ages of 15 and 24. As structured, the Youth Commission has experienced difficulties filling vacancies and meeting Commission attendance requirements due to competing commitments with school, volunteer, and other extracurricular activities, and experiences of frequent turnover due to the limited service period. Heavy youth involvement prescribed within Measure Y implementation requirements will allow civically engaged youth to meaningfully participate in this body and allow for extended engagement due to the expansion of age qualifications within the Measure Y structure.

Staff recommends that the City Council sunset the Youth Commission to provide expanded opportunities for youth on the Accountability Board. Additionally, the City will implement an additional Youth in Government group to mentor and engage the City's youth in governmental processes and structure without the requirements and restrictions associated with a formal commission. This is thought to be a better way to involve youth and create a less formal environment, requiring the posting of agendas and regular meeting dates. Staff believes that sunsetting the Youth Commission will expand opportunities for youth on the Measure Y Accountability Board, increase efficacy, provide for meaningful youth participation, and ensure the implementation of Measure Y; therefore, staff recommends the proposed Ordinance (Attachment No. 3).

Prepared by:
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ATTACHMENTS:

Attachment No. 1: Measure Y Implementation Policy

Attachment No. 2: Resolution No. 2025-49

Attachment No. 3: Ordinance No. 4356