

January 14, 2025
Addendum to Section 2-527

Ordinance draft 4

Date: **Draft 1 proposed Ordinance**

Submitted by the Ethics Committee subcommittee: Lucille Lyon, Mickey Gallivan
and Bernice Stillions

Purpose: The ~~Bylaw~~ **Ordinance** for the Ethics is **Amended to include the following provisions.** ~~Commission incorporates by reference Section 2-527 Standard bylaws for all boards, commissions and committees and adds the following provisions.~~

ARTICLE 1

PURPOSE

Commission Goals

1. The statutory duties and responsibilities of the Ethics Commission pursuant to Section 2-803. "Is to monitor and advise on applicable governmental ethics laws as set forth in State law, the City Charter, or City Ordinance regulation or policy."
2. Areas of subject topics **included, but not limited to provisions of** ~~pursuant to~~ Section 2-803, "Campaign finance limits, disclosure, nepotism, lobbying, conflict of interest and open meeting laws, to assure fairness, openness, honesty and integrity in City government."
3. The Code of Ethics established by this Commission is applicable to the City of Pomona, its elected officials, officers, employees, contract employees, boards and commissions.
4. The Commission, pursuant to Section 2-803, "shall educate and respond to issues regarding the laws, regulations, and policies."
5. All actions of the Ethics Commission shall be advisory only, except for those matters where final authority has been assigned to the Ethics Commission by Charter or action of the City Council.

6. According to the City Council Priorities and Goals dated June 21,2021:
“Goal D: Support City Commissions and ensure alignment between City Council goals and Commission Activities.”
7. Pursuant to the Formation of Ethics Committee and Information on AB1234 dated February 6,2006 page 3 of 4, it identified primary characteristics of effective ethics agencies include, “independence, adequate guaranteed annual budgets, and enforcement powers (advisory opinions, investigations, and sanctions).

ARTICLE 2 VALUE STATEMENT

Members of the Ethics Commission strive to educate and inform the community on honesty, integrity, and transparency in City government. **The Ethics Commission responds to requests from City Personnel or community written requests.**(Who determines the current process.)

ARTICLE 3 ENFORCEMENT

The Ethics Commission may review all ~~Violations~~ **allegations** listed in the City of Pomona Code of Ethics on Section “P” and make recommendations to the City Council of fines, sanctions and removal from office.

Ethical violations may be directed to the Commission for possible investigation by either referral from City staff or complaints received through the mail, Ethics Committee website or email. All complaints are logged for statistical information and potential action. (Process to be defined.)

ARTILE 4 MEETINGS

4.1 **Meetings:** Regular meetings of the Ethics Commission shall be held on the fourth Thursday of the month.

4.1.1 All regular meetings of the Ethics Commission will be called to order at 6:30 p.m., unless. Properly notice otherwise, canceled or rescheduled.

4.1.2 The Commission shall endeavor to adjourn its meetings no later than **necessary at the discretion of the Committee.** If necessary, business not completed shall be continued to the next regular or special meeting as determined by the Ethics Commission.

4.1.3 **Study Sessions.** The Ethics Commission may hold study sessions as part of a regular, adjourned or special meeting. No action may be taken by the Commission at any study sessions. When a matter is set for a study session, public testimony may be barred or limited to persons **deemed appropriate to speak** at the discretion of the Chair, with concurrence of a simple majority of the Commission.

4.1.4 Closed Sessions the Ethics Commission may go into Closed Session when the matters ~~concerning~~ concern litigation, or public employment.

ARTICLE 5 ROLE OF THE COMMISSIONERS

5.1 Commissioners have vested authority to monitor and advise the City Council on any legal and ethical responsibilities as identified in Federal, State law and City Ordinances.

5.2 The Commission is responsible to educate local officials, appointed commissioners and employees of Statutory Federal and State ethical responsibilities in the conduct of City business.

5.3 The Commission reviews State laws as it relates to Campaign/Election laws and makes a recommendation to the City Council. **In addition, the Commission reviews appropriate ordinances and City Charter language.** This includes but is not limited to any campaign contribution given to elected officials **in excess of those allowed by City rules** ~~more than City rules.~~

5.4 Any City Policy **or Ordinance/rules** related to gifts and travel is reviewed by the Commission to ensure compliance with State law or City Ordinance. Commission may receive complaints related to any City official or employee receiving any gratuities, favors or honoraria and **will** conduct fact finding hearings.

5.5 The Commission reviews City policies related to sole source contracting and procurement related to major capital improvements to ensure compliance with State Law.

5.6 The Commission may review all contract awards to ensure compliance with City ordinances and State laws.

5.7 Once a contract is concluded, the commission may review performance outcome if included in the contract.

5.8 Lobbyist registration is reviewed by the Commission prior to the City's approval.

5.9 Review City Human Resource policies related to selection of employees to ensure the issue of Nepotism as addressed.

5.10 Review City Human Resource policies as it relates to Outside Employment.

5.11 Review City policies as it relates to lobbying for public officials. This may include reviewing applications from any lobbyist registering with the city.

5.12 The Commission shall receive all complaints and Whistle blowing complaints for review and action. All complaints are confidential. The Commissioners are granted the same protection as whistle blowers.

5.13 In concert with City staff, develop a local handbook on applicable ethics laws. The Handbook must be approved by City Council.

5.14 The Commission may request data and policies as needed to monitor ethics compliance. This may include copies of contract awards, and human resources information related to ethical conduct.

5.15 The Commission can conduct public hearings on any issue brought before the Commission related to clarification of City ethical policies, and practices. This may include but not limited to any complaints made against City Council members, Commission members and City employees. At the conclusion of the

public hearing, the commission members can make recommendations to the City Council or the appropriate government agency.

5.16 The Commission will create a Code of Ethics that will be signed by all persons subject to the Ethics Commission including but no limited to public officials, commissioners, and employees.

5.17 The Commission will not hear any cases involving potential civil actions against the city unless directed by the City Council to gather information.

5.18 The Commission may receive complaints regarding any prohibited political activity. This would include use of City offices, event, stationary, equipment or vehicles.

5.19 The Commission reviews the City's performance outcomes as identified in the Goals and Objectives established by the Mayor and City Council.

5.20 The Commission will submit a written report to the City Council on the activities of this commission with any recommendations annually.

ARTICLE 6 REFERRALS TO OTHER PARTIES

6.1 The Commission can send complaints **identified within the scope of the Commission** to the Fair Political Practices Commission (FPCC) when approved by a majority of the Commission members.

6.2 When the Commission discovers serious ethical violations resulting in financial loss to the City, the Commission in agreement with the City Council may send a complaint **within their official capacity** to the Los Angeles District Attorney, Public Integrity Division for follow-up/or action.

ARTICLE 7
FINANCIAL SUPPORT

7.1. The City shall allocate a ~~budget of \$20,000~~ **adequate funding** to cover the expenses **of the Commission including** for the development and printing of brochures and costs for including the Ethics Commission on the City website. In addition, this may also include one cell phone and post office box rental.

7.2 The Ethics Commissioners are covered by the City's Errors and Omission policy as are all the City Council members and other City Commissions.

RECOMMENDATION

The Ethics Commission review the Addendum to the City Ordinance and if approved, transmit these Ordinance to the City Council for approval.