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# CITY OF POMONA COUNCIL REPORT

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February 25, 2019

To: Honorable Mayor and Members of the City Council

From: Linda Lowry, City Manager

Submitted by: Andrew Mowbray, Interim Finance Director/City Treasurer

**SUBJECT: APPROVAL OF CITIZENS OVERSIGHT COMMITTEE BYLAWS**

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## **RECOMMENDATION:**

It is recommended that the City Council review and approve the Citizens Oversight Committee (COC) Bylaws.

**EXECUTIVE SUMMARY:** Measure PG established a 0.75% TUT (sales tax) in the City of Pomona, Ordinance 4253 ([Attachment 1](#)) and requires the creation of a Citizens Oversight Committee. With this action, it is recommended that the City Council approve the Citizens Oversight Committee (COC) Bylaws to govern the transaction of business and the conduct of meetings for the COC.

**FISCAL IMPACT:** None

**PUBLIC NOTICING REQUIREMENTS:** None

**PREVIOUS RELATED ACTION:** On August 6, 2018, the City Council adopted Resolution No. 2018-118 submitting a three quarters of one percent (0.75%) sales tax measure to the City of Pomona's qualified electors at the General Municipal Election to be held on Tuesday, November 6, 2018, and authorizing related actions including directing the City Attorney to prepare an impartial analysis of the measure and authorizing arguments and rebuttals on the measure. Part of this same August 6, 2018 action was introducing as the ballot measure Ordinance 4253, which included language within identified as "Division 2 – CITIZENS OVERSIGHT COMMITTEE. Sections 50-651, -652 and -653." On December 3, 2018, the City Council certified the voters' approval of Measure PG, adopting Ordinance 4253.

**DISCUSSION:** On December 3, 2018, City Council adopted a resolution that, as a result of a majority of the voters voting in favor of Measure PG relating to the establishment of a 0.75% TUT (sales tax) in the City of Pomona at the November 6, 2018 election, the measure was carried and was deemed adopted and ratified. As part of the August 6, 2018 Council Action to place the Sales tax measure on the ballot was the accompanying Ordinance 4253 that included

Division 2 – CITIZENS OVERSIGHT COMMITTEE. Sections 50-651, -652, -653, included herein. Specifically, those Sections state:

**Sec. 50-651. – Established.** There is established a Citizens' Oversight Committee. Each Council Member shall appoint one committee member.

**Sec. 50-652. – Staff Liaison.** The City Manager shall designate a member of city staff to serve as the staff liaison of the Citizens' Oversight Committee. The Staff Liaison shall:

- A. Serve as a liaison between the Citizens' Oversight Committee and the City Council and the City Manager;
- B. Assist the Committee in carrying out its duties and responsibilities as provided for by this division;
- C. Prepare reports as directed by the City Manager or City Council;
- D. Attend the Committee's meetings as necessary to carry out the Liaison's functions; and
- E. Provide advice, information, and material to assist the Committee.

**Sec. 50-653. – Duties and responsibilities.** The Citizens' Oversight Committee serves in an advisory capacity. The Committee shall:

- A. Annually review the City's revenues and expenditures of the Transactions and Use Tax;
- B. Hold public meetings throughout the year, as often as City Council directs;
- C. Review annual audit reports related to the tax; and
- D. Prepare written reports to the City Council that summarizes the Committee's findings and recommendations.

To compliment the initial framework set up within Ordinance 4253 (Attachment No. 1), staff has formulated the proposed Bylaws of the Committee that cover items including but not limited to officers and their respective duration of terms, meetings, the posting of agendas, and governing rules of decorum and parliamentary procedure.

In order to conduct business in an official manner, Bylaws have been prepared providing rules for the COC's transaction of business and the conduct of meetings. The proposed Bylaws have been drafted by staff with legal counsel approval (Attachment No. 2).

Important COC items set forth in the proposed Bylaws, include but are not limited to:

- The process for selection of officers including the Chair, Vice-Chair, and Secretary;
- That the duration of terms of the Chair and Vice-Chair shall be one (1) year, and two (2) consecutive terms may be observed at the pleasure of the Committee. Notwithstanding the foregoing, every effort should be made to allow all Committee Members to serve their term as officers, provided they so desire and have served on the Citizens Oversight Committee for at least one (1) year; provided, however, that the Committee may elect a member desirous of being an officer and not having at least one year experience on a 6/7 vote.

- The Secretary shall be the Finance Director/City Treasurer or designee, and shall not be a voting member of the Committee.
- The COC will hold regular meetings bi-annually, as well as special meetings, which may be called as needed.
- Meetings will take place on the last Thursday of the months of April and September at 5:00 p.m. in the Administrative Board Room in City Hall. The first meeting date will be established by the City Clerk.
- The COC shall, by majority vote, select a new Chair and Vice-Chair every year at its first meeting in April.
- The purpose of COC will be to serve in an advisory capacity to the City. Its responsibilities and duties include: annually reviewing the City's revenues and expenditures of the Transactions and Use Tax; holding public meetings throughout the year, as often as City Council directs; reviewing annual audit reports related to the tax; and preparing written reports to the City Council that summarizes the Committee's findings and recommendations.

**ALTERNATIVE(S):** None

Prepared by:

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Andrew Mowbray  
Interim Finance Director/City Treasurer

**ATTACHMENT(S):**

Attachment No. 1 – Ordinance 4253

Attachment No. 2 – Citizens Oversight Committee (COC) Proposed Bylaws