



CITY OF POMONA COUNCIL REPORT

March 18, 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: CITIZENS OVERSIGHT COMMITTEE BYLAWS

RECOMMENDATION:

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

EXECUTIVE SUMMARY: Measure PG relating to the establishment of a 0.75% TUT (sales tax) in the City of Pomona, Ordinance 4253 ([Attachment 1](#)) requires the establishment of a Citizens Oversight Committee (COC). With this action, it is recommended that the City Council approve the proposed COC Bylaws for purposes of governing the transaction of business and the conduct of the COC meetings in conformance with the Ordinance 4253 (Ordinance). The Bylaws have been crafted to carefully align with specific language in the Ordinance.

FISCAL IMPACT: None

PUBLIC NOTICING REQUIREMENTS: None

PREVIOUS RELATED ACTION:

1. At the February 24, 2019, City Council meeting, the City Council continued consideration of the proposed COC Bylaws in order to address concerns expressed by a resident.
2. On December 3, 2018, the City Council certified the voters' approval of Measure PG, adopting Ordinance 4253.
3. 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. The ballot measure included Ordinance 4253, which contained language within identified as "Division 2 – CITIZENS OVERSIGHT COMMITTEE. Sections 50-651, -652 and -653."

ENVIRONMENTAL IMPACT: None

DISCUSSION:

The Ordinance includes the following language regarding the COC:

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.

Staff has formulated proposed Bylaws for the COC which 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 to provide for the transaction of business and conduct of meetings. The proposed Bylaws have been drafted by staff with legal counsel approval (Attachment No. 2).

At the February 25, 2019, City Council meeting, consideration of the proposed Bylaws was continued due to comments and questions from a member of the public. The speaker expressed concerns about areas within the proposed Bylaws relating to selection of a Chair and that the proposed Bi-annual meeting schedule was insufficient.

The speaker stated that there was conflicting language regarding election of a chair. The proposed Bylaws conform to the manner in which other Council appointed commissions/committees are organized. Section B-1 establishes the manner of selecting officers, which include the Chair, Vice-Chair and Secretary. As written, Committee members must have served for at least one year to be selected as an officer by a simple majority vote. This section of the Bylaws does not conflict with Section B-3 which affords the Committee an alternate means of appointing members who do not meet minimum tenure requirements, through a 6/7 approving majority vote. Staff recommends consistency with the COC and other City

commission bylaws and believes that the option to appoint initial officers with a 6/7 vote is manageable.

In reference to the speaker's concerns about bi-annual meetings, the meeting schedule as set forth in the proposed Bylaws meets the stated and required duties of the COC. The Ordinance (Section 653.B.) states the COC shall "Hold public meetings throughout the year, as often as City Council directs." The "Duties" section of the Ordinance refers to "annual" reviews. Therefore the bi-annual calendar shall be the regular calendar for the COC with additional meetings held at the Council's direction. The dates for the regular meetings correlate to the timing of financial data availability, regular preparation of the audited financial statements, and the annual budget process as described in the City Charter.

The following summarizes important COC guidelines established within the proposed Bylaws:

- a. The process for selection of officers including the Chair, Vice-Chair, and Secretary.
- b. That the duration of terms of the Chair and Vice-Chair shall be one (1) year, and (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.
- c. The Secretary shall be the Finance Director/City Treasurer or designee, and shall not be a voting member of the Committee.
- d. The COC will hold regular meetings bi-annually, as well as special meetings, which may be called as needed.
- e. Meetings will take place at 5:00 p.m. in the Administrative Board Room in City Hall. on the last Thursday of the following months:

April - The April meeting will include a review of the Audited Combined Annual Financial Report (CAFR) for the previous fiscal year. This meeting fulfills Section 653.C. of the Ordinance. In addition Anticipated TUT revenue to be included in the Proposed General Fund Operating Budget for the upcoming fiscal year will also be presented.

September - The September meeting shall include a review of unaudited TUT revenue in the previous fiscal year received from the CDTFA (formerly State Board of Equalization) and expenditure forecasts for the same period. This meeting fulfills Section 653.A. of the Ordinance, "Annually review the City revenues and expenditures of the Transactions and Use Tax.

The first meeting date will be established by the City Clerk. It is expected that recommendations from the COC will be presented in staff reports in a manner similar to other action items prepared in Commission and Council reports. This conforms to Section 653.D. in which the COC makes recommendations to the City Council.

- f. The COC shall, by majority vote, select a new Chair and Vice-Chair every year at its first meeting in April.

- g. 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.

ATTACHMENT(S):

Attachment No. 1 – Ordinance 4253

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