

CITIZENS OVERSIGHT COMMITTEE  
Pomona, California

BYLAWS  
March 18, 2019

The following Rules for the Transaction of Business and the Conduct of Meetings (hereinafter, the “**Bylaws**”) are hereby adopted by the City Council of the City of Pomona:

**A. NAME, PURPOSE, RESPONSIBILITIES AND MEMBERSHIP**

**A-1 NAME AND PURPOSE**

In accordance with the provisions of the City of Pomona Municipal Code Section 50-651, there is hereby established a Citizens Oversight Committee (“**COC**” or “**Committee**”), which shall serve in an advisory capacity to the City Council with respect to the City’s Transactions and Use Tax set forth in Article XI of the City of Pomona Municipal Code.

**A-2 RESPONSIBILITIES AND DUTIES**

The duties and responsibilities of the Committee shall be as described in Section 50-653 of the City of Pomona Municipal Code.

**A-3 MEMBERSHIP**

**1. Representation**

The CAC shall consist of seven (7) Committee Members. In accordance with Section 50-651, each Council Member shall appoint one committee member. The appointments, terms, and service of the Committee Members shall be governed by Sections 2-521, 2-523, and 2-524 of the City of Pomona Municipal Code and Section 801(c) of the City Charter.

**2. Vacancies; Resignations**

When a vacancy or failure to appoint or reappoint occurs for any reason, the Finance Director/City Treasurer or Chair shall notify the City Manager of the need for the respective Council Member(s) to make an appointment to the vacant seat. Any member of the Committee may resign at any time by giving written notice to the Finance Director/City Treasure, who shall forward such notice to the City Manager. Any such resignation will take effect upon receipt or upon a future

date specified therein. The acceptance of such resignation shall not be necessary to make it effective.

#### **A-4    STAFF LIAISON**

The City Manager has initially designated the Finance Director/City Treasurer as the staff liaison, in accordance with Section 50-652 of the City of Pomona Municipal Code. The City Manager may from time-to-time, in his or her sole discretion, designate a different member of staff to serve as the staff liaison, without requiring further amendment to these Bylaws. All references in the Bylaws to the Finance Director/City Treasurer shall be understood to refer to the staff liaison, as referenced in Section 50-652 of the City of Pomona Municipal Code.

### **B.    OFFICERS**

#### **B-1    CHAIR, VICE-CHAIR, AND SECRETARY**

The Citizens Oversight Committee shall, by majority vote, select a new Chair and Vice-Chair every year at its first regular meeting of the year. The Secretary shall be the Finance Director/City Treasurer or designee, and shall not be a voting member of the Committee.

#### **B-2    CHAIR TO PRESIDE**

The Chair shall be the Presiding Officer at all meetings of the Citizens Oversight Committee. In the absence of the Chair, the Vice-Chair shall preside. In the absence of both the Chair and Vice-Chair, the Secretary of the Citizens Oversight Committee shall call the committee to order, whereupon a temporary Presiding Officer shall be elected by the Committee members present to serve until adjournment. The Chair cannot be on more than one Committee or City Commission.

#### **B-3    DURATION OF TERM**

The term of the Chair and Vice-Chair shall be one (1) year. Two Consecutive terms may be served at the pleasure of the Committee. However, every effort should be made to allow all Committee Members to serve their term as Officers, provided they such Members so desire and have served on the Citizens Oversight Committee for at least one (1) year. The Committee may elect a member desirous of being an officer and not having at least one year experience on a 6/7 vote. For the initial formation of the Committee the Chair and Vice Chair will be selected by a majority vote of the Citizens Oversight Committee.

#### **B-4    POWERS AND DUTIES OF PRESIDING OFFICER**

##### **1.    Participation**

The Presiding Officer may move, second, debate, and vote from the Chair. He/She

shall not be deprived of any of the rights and privileges of a Committee Member by reason of his/her acting as Presiding Officer.

2. **Questions to be Stated**

The Presiding Officer, or such member of the City staff as he/she may designate, may verbally restate each question immediately prior to calling for the vote. Following the vote, the Secretary to the Committee shall announce whether the question carried or was defeated. The Presiding Officer in his/her discretion may publicly explain the effect of vote for the audience or he/she may direct the Secretary to do so before proceeding to the next item of business.

**C. MEETINGS**

**C-1 REGULAR MEETINGS**

Notwithstanding Section 2-525 of the City of Pomona Municipal Code, the Citizens Oversight Committee shall hold regular meetings on a bi-annual basis on the last Thursday of the months of April and September, at 5:00 p.m. in the Administrative Board Room in City Hall 505 South Garey Ave in the City of Pomona; provided that if such day shall be a legal holiday, such regular meeting shall be held on the following Thursday.

**C-2 ADJOURNED MEETINGS**

Any regular or adjourned meeting may be adjourned to a time, place, and date specified in the order of adjournment but not beyond the next regular meeting. If no time is stated in the order of adjournment, it shall be the same time as for a regular meeting. Once adjourned, the meeting may not be reconvened. All adjourned regular meetings are a regular meeting for all purposes.

**C-3 SPECIAL MEETINGS**

Special meetings may be called at any time, as directed by the City Manager and/or City Council, by the Secretary delivering personally or by mail, written notice to each Committee member and to each local newspaper of general circulation, radio or television station, requesting notice in writing such notice must be delivered personally or by mail at least twenty-four (24) hours before the time of such meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meetings.

**C-4 MEETINGS TO BE PUBLIC**

All regular, adjourned, and special meetings of the Citizens Oversight Committee shall be open to the public. Public participation at regular, adjourned and special meetings shall be limited to the Committee's subject matter jurisdiction and consistent with the requirements of the Brown Act.

#### **C-5     ATTENDANCE**

Committee Members are expected to diligently attend and participate in all meetings of the Committee. Requests for excused absences shall be received by the Secretary to the Committee. Two (2) unexcused absences in one calendar year may be considered for grounds from removal of office by the City Council.

#### **C-6     QUORUM**

The Citizens Oversight Committee consists of seven (7) members, one (1) of which is the Chair. Four (4) members of the Committee shall constitute a quorum and shall be sufficient to transact regular business. If less than four (4) Committee members appear at a regular meeting, or if all members are absent, the Secretary of the Citizens Oversight Committee or his/her designee may adjourn the meeting to a stated day and hour. The Secretary shall cause a written notice of the adjournment to be delivered personally to each Committee at least twenty-four (24) hours before the adjourned meeting is to commence.

### **D.     AGENDA**

#### **D-1     AGENDA, PREPARATION OF**

An agenda shall be prepared for each regular meeting containing the specific items of business to be transacted and the order thereof. Items of business may be placed on the agenda by any Citizen Oversight Committee member, the City Manager or designee, Finance Director/City Treasurer or designee, or the City Attorney or designee. The Secretary shall prepare the agenda. Whenever feasible, each item on the agenda shall contain a staff report and recommendation and the specific action requested to be taken by the Committee. No matters other than those listed on the agenda shall be acted upon by the Committee.

#### **D-2     ORDER AND CONDUCT OF BUSINESS**

At the time set for each meeting, the Citizen Oversight Committee members, Finance Director/City Treasurer or his/her designee and department representatives who have been requested to be present shall take their regular places in the Administrative Board Room or other location, as designated on the agenda. The Chair shall call the meeting to order and the business of the Committee shall be taken up for consideration and disposition in the order set forth in Section C-4, except that with the consent of a majority of the Citizen Oversight Committee members present, items may be taken out of order. "Robert's Rules of Order, Newly Revised," shall govern the conduct of the meetings; provided, however, that if any rules or parliamentary procedure set forth in these Bylaws conflict with the identified Robert's Rules of Order, these Bylaws shall prevail.

### **D-3 AGENDA, POSTING OF**

The agenda of the Citizen Oversight Committee shall be posted at least three (3) days prior to the meeting in the following public places, and in all manners as required by the Brown Act:

- The bulletin board in the front of City Hall, Council Chambers, 505 South Garey Avenue
- The City Library
- City Hall Lobby
- City Website

### **D-4 AGENDA, CONTENTS OF**

The agenda shall contain the title headings and shall be conducted in the order and manner as set forth below:

- CALL TO ORDER
- FLAG SALUTE
- ROLL CALL
- PUBLIC COMMENT

The Secretary shall call the roll of the Citizen Oversight Committee members, and the names of those present shall be entered in the minutes.

### **APPROVAL OF THE MINUTES**

The Citizen Oversight Committee shall review and approve the minutes of the previous meeting. Any changes and amendments to the draft minutes may be made by a majority vote of the Committee.

### **CONSENT CALENDAR**

All items listed under the Consent Calendar are considered to be routine and will be enacted by one motion unless separate discussion is requested by a member of the Committee.

### **UNFINISHED BUSINESS**

The Committee may continue discussion of any items carried over from previous meetings. These items include all matters properly brought before the Committee, which require a decision. The Committee may recognize staff members or members of the audience for comment pertinent to the item.

## **NEW BUSINESS**

New Business items include matters properly brought before the Committee, which require a decision. The Committee may recognize staff members or members of the audience for comments pertinent to the item.

## **COMMITTEE ITEMS**

The Committee may discuss any such other matters as may be brought to it by the Finance Director or designee, City Attorney, or other staff members. If action needs to be taken, the items must be properly scheduled on the agenda prior to such action.

## **STAFF ITEMS**

The Committee shall consider all verbal or written communication from staff. If action needs to be taken, the items must be properly scheduled on the agenda. Results of the most recent City Council meeting pertinent to the Citizens Oversight Committee may also be presented.

## **DISCUSSION**

The Committee shall discuss, and take action where appropriate of, those items as designated for discussion on the agenda.

## **ADJOURNMENT**

The meeting shall be adjourned to a time and date certain after a motion to adjourn has been made and carried.

## **E. ADDRESSING THE COMMITTEE**

### **E-1 WRITTEN CORRESPONDENCE**

The City Manager and Finance Director/City Treasurer or designee is authorized to receive and open all mail addressed to the Citizens Oversight Committee, and he/she shall give it immediate attention. Any communication requiring Committee action shall be placed upon the agenda, together with a report and recommendation by the City staff. All correspondence requiring same shall be answered or acknowledged as soon as practical.

### **E-2 RIGHT TO ADDRESS CITIZENS OVERSIGHT COMMITTEE**

Subject to the provisions of Section D-3, D-4, and E-8, interested persons shall have the absolute right to address the Committee on matters on the agenda, as well as matters not otherwise on the agenda but within the subject matter jurisdiction of the Committee, where permitted by the Brown Act. All public comment and input shall be made during the period(s) set aside on the agenda; provided, however, that the Committee may direct

that public input and comment on matters on the agenda be heard when the matter regularly comes up on the agenda.

### **E-3 MANNER OF ADDRESSING COMMITTEE**

Any person desiring to address the Committee shall stand and wait to be recognized by the Presiding Officer. After being recognized, he/she shall be asked to provide the Secretary with his/her name and address on forms provided. He/she shall then approach the podium, be asked to provide his/her name and address for the record, and proceed to address the Committee.

### **E-4 TIME LIMITATION**

Every person addressing the Committee shall limit his/her address to three (3) minutes or such reasonable time as is granted by the majority of the Committee. When any group of persons wishes to address the Committee on the same subject matter, it shall be proper for the Presiding Officer to request that a spokesperson be chosen to represent the group to avoid unnecessary repetition.

## **F. DEBATE AND DECORUM**

### **F-1 GETTING THE FLOOR**

Every Committee Member desiring to speak shall first address the Presiding Officer to gain recognition and shall confine himself/herself to the question under debate.

### **F-2 QUESTIONS TO STAFF**

Every Committee Member desiring to question the City staff shall, after recognition by the Presiding Officer, address his/her questions to the Finance Director/City Treasurer or his/her designee. In the case of the Finance Director/City Treasurer or designee, he/she shall be entitled either to answer the inquiry himself/herself or to designate another member of the staff for that purpose.

### **F-3 INTERRUPTIONS**

A Committee Member, once recognized, shall not be interrupted when speaking unless called to order by the Presiding Officer, unless a point of order or personal privilege is raised by another Committee Member, or unless the speaker chooses to yield to a question by another Committee Member. If a Committee Member is called to order while speaking, he/she shall cease speaking until the question or order is determined. If it is determined to be in order, he/she may proceed. After recognition by the Presiding Officer, members of the City staff shall hold the floor until completion of their remarks or until recognition is withdrawn by the Presiding Officer.

#### **F-4    POINTS OF ORDER**

The Presiding Officer shall determine all points of order subject to the right of any Committee Member to appeal to the Committee. He/she may request an opinion of the City Attorney or designee, if present, in making such determination. If an appeal is taken, the question shall be: "Shall the decision of the Presiding Officer be sustained?" The Committee's decision shall conclusively determine such question of order.

#### **F-5    POINT OF PERSONAL PRIVILEGE**

The right of a Committee Member to address the Committee on a question of personal privilege shall be limited to cases in which his/her integrity, character or motives, are questioned or in an instance in which the welfare of the Committee is concerned. A Committee Member raising a point of personal privilege may interrupt another Committee Member who has the floor, subject only to the power of the Presiding Officer to call him/her out of order.

#### **F-6    REMARKS OF COMMITTEE MEMBERS AND SYNOPSIS OF DEBATE**

Any Committee Member shall have the right of having an abstract of his/her statement and/or a synopsis of the debate on any subject under consideration by the Committee entered into the minutes. This right shall be exercised by specific direction to the Secretary at the Citizens Oversight Committee Meeting.

#### **F-7    DECORUM AND ORDER, COMMITTEE AND CITY STAFF**

While the Committee is in session, the Committee Members and City staff shall preserve order and decorum. A Member shall neither by conversation or other action delay or interrupt the proceedings or the peace of the Committee nor disturb any member while speaking or refuse to obey the directives of the Presiding Officer.

#### **F-8    DECORUM AND ORDER, AUDIENCE**

Public members attending Committee meetings shall observe the same rules of order and decorum applicable to the Committee and staff. Any person making irrelevant, impertinent, or profane remarks or who becomes boisterous while addressing the Committee or while attending the Committee meeting, such that there is an actual disruption of the continued progress of the meeting, shall be removed from the room, if the City Staff is so directed by the Presiding Officer, and such person may be barred from further audience before the Committee at that meeting. Unauthorized remarks from the audience, stamping of feet, whistling, shouting and similar demonstrations shall likewise be considered inappropriate decorum, and the Presiding may direct the staff to remove such offenders from the room if such conduct actually disrupts the continued progress of the meeting.



## **G. MOTIONS**

### **G-1 PRESENTATION OF MOTIONS**

A motion is the formal statement of a proposal or question to the Committee for consideration and action. The Presiding Officer and each Committee Member has the right to present a motion.

### **G-2 SECOND REQUIRED**

A motion by any Committee Member shall not be considered by the Committee and voted on unless it receives a second. Once the motion has been properly made and seconded, the Presiding Officer shall open the matter for debate offering the first opportunity to debate to the moving party and, thereafter, to any Citizens Oversight Committee member properly recognized by the Presiding Officer. Once the motion has been fully debated and the Presiding Officer calls for a vote, no further debate will be allowed; Citizens Oversight Committee Members, however, may be allowed to explain their vote.

### **G-3 PROCEDURAL RULES OF ORDER (Per Robert's Rules of order; Newly Revised)**

Once the main motion is properly placed on the floor, several related motions may be employed in addressing the main motion, and if properly made and seconded, must be disposed of before the main motion can be acted upon. The following motions are appropriate and may be made by the Presiding Officer or any Citizens Oversight Committee Members at any appropriate time during the discussion of the main motion. They are listed in order of precedence.

1. Subsidiary Motions – The first three subsidiary motions are non-debatable; the last four are debatable.
  - a. Lay on the Table - Any Citizens Oversight Committee Member may move to lay the matter under discussion on the table. This motion temporarily suspends any further discussion of the pending motion without setting a time certain to resume debate. In order to bring the matter back before the Citizens Oversight Committee, a motion must be adopted that the matter be taken from the table. A motion to take from the table must be made at the same meeting at which it was placed on the table or at the next regular meeting of the City Council. Otherwise the motion that was tabled dies, although it can be raised later as a new motion.
  - b. Move Previous Question – Any Citizens Oversight Committee Member may move to immediately bring the question being debated by the Citizens Oversight Committee to a vote, suspending any further debate. The motion must be made and seconded without interrupting one who already has the floor. A two-thirds (2/3) vote of the quorum present is required for passage.
  - c. Limit or Extend Limits of Debate - Any Committee Member may move to put

limits on the length of the debate. The motion must be made and seconded and requires a two-thirds (2/3) vote of the quorum present to pass.

- d. Postpone to a Tim Certain - Any Committee Member may move to postpone debate and action on the motion to a date and time certain.
- e. Commit or Refer – Any Committee Member may move that the matter being discussed should be referred to staff, a committee or a subcommittee for further study. The motion may contain directions for the staff, committee or subcommittee, as well as a date upon which the matter will be returned to the Citizens Oversight Committee agenda. If no date is set for returning the item to the Citizens Oversight Committee agenda, any Committee member may move, at any time, to require the item to be returned to the agenda.
- f. Amend - Any Committee Member may amend the main motion or any amendment made to the main motion, after the main motion is seconded. Before the main motion may be acted upon, all amendments and amendments to amendments must first be acted upon. An amendment must be related to the main motion or amendment to which it is directed. Any amendment which substitutes new motion rather than amending the existing motion is out of order and may be so declared by the Presiding Officer.
- g. Postpone Indefinitely - Any Committee Member may move to postpone indefinitely the vote on the floor, thus avoiding a direct vote on the pending motion and suspending any further action on the matter.

2. Motions of Privilege, Order and Convenience - The following actions by the Committee are to ensure orderly conduct of meetings and are for the convenience of the Presiding Officer and Committee Members. These motions take precedence over any pending main or subsidiary motion and may be debated, except as noted.

- a. Call for Orders of the Day - Any Committee Member may demand that the agenda be followed in the order stated herein. No second is required and the Presiding Officer must comply unless the Committee sets aside the agenda order of the day. This motion is not debatable.
- b. Question of Privilege - Any Committee Member, at any time during the meeting, may make a request of the Chair to accommodate the needs of the Citizens Oversight Committee or his/her personal needs for such things as reducing noise, adjusting air conditioning, ventilation, lighting, etc. The validity of the question is ruled on by the Presiding Officer.
- c. Recess - Any Committee Member may move for a recess.
- d. Adjourn - Any Committee Member may move to adjourn at any time, even if there is business pending. The motion is not debatable.
- e. Point of Order - Any Committee Member may require the Presiding Officer to enforce the rules of the Committee by raising a point of order. The point of order shall be ruled upon by the Presiding Officer, as set forth in these Bylaws.
- f. Appeal - Should any Committee Member be dissatisfied with a ruling from the Presiding Officer, he/she may move to appeal the ruling to the full Committee.

- g. Suspend the Rules - Any Committee Member may move to suspend the rules if necessary to accomplish a matter that would otherwise violate the rules.
- h. Division of Question - Any Committee Member may move to divide the subject matter of a motion which is made up of several parts in order to vote separately on each part. This motion may also be applied to complex ordinances or resolutions.
- i. Reconsider - The Committee may reconsider any vote taken at the same meeting, but no later than the same or next meeting, to correct inadvertent or precipitant errors, or consider new information not available at the time of the vote. The motion to reconsider must be made by a Committee Member who voted on the prevailing side, must be seconded and requires a majority vote of the quorum for passage, regardless of the vote reconsidered. If the motion to reconsider is successful, the matter to be reconsidered takes no special preference over other pending matters and any special voting requirements related thereto shall still apply. Except pursuant to a motion to reconsider, once a matter has been determined and voted upon, the same matter cannot be brought up again at the same meeting.
- j. Rescind, Repeal or Annul - The Committee may rescind, repeal or annul any prior action taken with reference to any legislative matter so long as the action to rescind, repeal or annul complies with all the rules applicable to the initial adoption, including any special voting or notice requirements or unless otherwise specified by law.

## **H. VOTING**

### **H-1 VOTING PROCEDURE**

All Committee Members present at a meeting when a motion comes up for a vote shall vote for or against the motion or shall abstain. The Secretary shall declare the result and note for the record all "yes" votes and all "no" votes. The Committee may also vote by roll call vote, ballot or voting machine. Regardless of the manner of voting, the results reflecting all "yes" and "no" votes must be clearly set forth for the record. In order to be adopted, a motion requires the "yes" vote of a majority of the quorum present, unless the vote of a majority of the body is required by statute, ordinance or resolution. An abstention shall not be counted as a "yes" or a "no" vote but the Committee Member abstaining shall be counted for the purpose of determining the quorum.

### **H-2 ORDER OF VOTING**

The Secretary shall take roll call votes in the following order:

1. First, the Committee Member making the motion.
2. Second, the Committee Member seconding the motion
3. Followed by the balance of the Committee in any order.

### **H-3    CHANGE OF VOTE**

A Member may change his/her vote only if he/she makes a timely request to do so immediately following the announcement of the vote by the Chair and prior to the time that the next item in the order of business is taken up.

### **H-4    FAILURE TO VOTE**

Every member should vote unless disqualified for cause except by vote of the Committee or by opinion of the City Attorney or designee. Self-disqualification, without approval, which results in a tie vote shall be avoided, but no Committee Member shall be forced to vote. A Committee Member who abstains shall in effect consent that a majority of the quorum may act for him.

### **H-5    CONFLICT OF INTEREST**

Committees shall not vote if private or personal interests are likely to conflict with the general public interest. The State Fair Political Practices Act shall apply to every Committee member.

### **H-6    LOST MOTIONS**

A lost motion is one that fails to receive the necessary number of votes to carry. Tie votes result in a lost motion. Lost motions may be renewed at any subsequent Committee meeting. To revive a lost motion at the same meeting, the proper action is a motion to reconsider, as discussed above.

### **H-7    RECORDATION OF VOTES**

Voting results of the Citizens Oversight Committee shall be recorded in the minutes and shall include by Committee Member name, "aye" votes, "no" votes, abstentions, and absences.

## **I.    PREPARATION OF MINUTES**

The Secretary of the Committee shall have exclusive responsibility for preparation of the minutes, and any directions for changes in the minutes shall be made only by action of the Committee.

## **J.    REPRESENTATION BEFORE PUBLIC BODIES**

Any official representation on behalf of the Committee before the City Council, or any other public body, shall be made by the Finance Director/City Treasurer or the Chair, Vice-Chair in the Chair's absence, or a member of the Committee specifically designated by the Committee.

**K. AMENDMENTS**

These By-Laws may be amended by the City Council on its own initiative or on the recommendation of the Citizens Oversight Committee per a majority vote and provided the proposed amendment has been presented at one prior regular meeting before the action is taken. Failure of the Committee to follow the By-Laws established herein shall not invalidate or otherwise effect on any action of the Committee.

**APPROVED AND ADOPTED**

This 18<sup>th</sup> day of March, 2019.