

CITY OF POONA  
CHARTER REVIEW COMMISSION 2020  
BYLAWS  
DRAFT October 21, 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**

The Charter Review Commission 2020 (CRC or Commission) shall be responsible for reviewing the Pomona City Charter and submitting proposed amendments to the Pomona City Clerk for placement on the ballot at the next scheduled election.

**A-2 DURATION OF CHARTER REVIEW COMMISSION 2020**

The Charter Review Commission 2020 will commence in January 2020 and continue through December 2020 or upon submittal of proposed Charter amendments to the Pomona City Clerk, whichever occurs first.

**A-3 MEMBERSHIP**

1. Representation

The Commission shall consist of seven (7) members. Each Council Member shall appoint one member to the Commission.

2. Eligibility for Membership

Appointees to the Commission must reside within the Council District of the Council Member making the appointment. The Mayor’s appointment may be made at large. Members cannot serve on any other City Board or Commission.

3. Term of Appointment

The term of member appointments to the CRC shall commence January 2020 and continue through December 2020 or upon the CRC’s submittal of proposed Charter amendment(s) to the City Clerk, whichever occurs first.

4. Vacancies

- a. A member vacancy shall be determined upon a member's absence from two consecutive Commission meetings or when a written resignation from a member is received by the City Clerk.
- b. When a vacancy occurs for any reason, the respective Council Member(s) shall make a new appointment to the vacant seat with fourteen (14) calendar days from the date the vacancy is determined to have occurred, with written notification to the City Council.

**A-4 STAFF LIAISON**

The City Manager has initially designated the Human Resources/Risk Management Director as the Staff Liaison. The City Manager may, from time-to-time, in his or her sole discretion, designate a different member of staff to serve as Staff Liaison, without requiring an amendment to the Bylaws. All references in the Bylaws to the Human Resources/Risk Management Director or other staff member designated by the City Manager shall be understood to refer to the Staff Liaison.

**B. OFFICERS**

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

1. Chair. The Mayor's appointment will serve as Chair of the Charter Review Commission 2020 throughout the duration of the Commission.
2. Vice-Chair. The Commission will select a member to serve as Vice-Chair for the duration of the Commission.
3. Secretary. The Secretary shall be the City Clerk, or designee, and shall not be voting member of the Commission.

**B-2 CHAIR TO PRESIDE**

The Chair shall be the Presiding Officer at all meetings of the Charter Review Commission 2020. 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 Commission shall call the Commission to order, whereupon a temporary Presiding Officer shall be elected by the Commission members present to serve until adjournment of that meeting.

**B-3 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 Commission 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 Commission shall announce whether the question carried or was defeated. The Presiding Officer in his/her discretion may publicly explain the effect of the 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**

The Charter Review Commission 2020 shall hold regular meetings on a monthly basis beginning in January 2020. The first regular meeting of the Commission will be January 9, 2020 at 5:30 p.m. Thereafter, regular meetings of the Commission will be conducted on the fourth (4<sup>th</sup>) Thursday of each month at 5:30 p.m. Meetings shall be held in the Council Board Room adjacent to the City Council Chambers located at 505 South Garey Avenue in the City of Pomona.

**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 the next 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, or the Commission, by the Secretary delivering personally or by e-mail or mail, written notice to each Commission member and to each local newspaper of general circulation, radio or television station requesting notice in writing such notice. The notice must be delivered personally or by e-mail or 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 Charter Review Commission 2020 shall be open to the public. Public participation at regular, adjourned and special meetings shall be limited to the Commission's subject matter jurisdiction and consistent with the requirements of the Brown Act.

#### **C-5     MEMBER ATTENDANCE**

Commission Members are expected to diligently attend and participate in all meetings of the Commission. Requests for excused absences shall be received by the Secretary to the Committee. Two (2) consecutive absences, excused or unexcused, will be considered grounds for removal of office by the City Council.

#### **C-6     QUORUM**

The Charter Review Commission 2020 consists of seven (7) members, one (1) of which is the Chair. Four (4) members of the Commission shall constitute a quorum and shall be sufficient to transact any business. If less than four (4) Commission members appear at a meeting, the Secretary 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 or by e-mail or mail to each Commission Member at least twenty-four (24) hours before the rescheduled meeting is to commence.

### **D.     AGENDA**

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

An agenda shall be prepared for each 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 Charter Review Commission 2020 member, the City Manager or designee, Staff Liaison 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 Commission. No matters other than those listed on the agenda shall be acted upon by the Commission.

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

At the time set for each meeting of the Charter Review Commission 2020, the Director, or designee, of any department requested to be present shall attend the Commission meeting and shall be indicated accordingly on the agenda. The Chair shall call the meeting to order and the business of the Commission shall be taken up for consideration and disposition in the order set forth in the agenda, except that with the consent of a majority of the Commission 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 any regular meeting shall be posted at least seventy-two (72) hours 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 Council Chambers, 505 South Garey Avenue
- The City Library
- City Hall Lobby
- City Website

The agenda for any special meeting shall be posted at least twenty-four (24) hours prior to the meeting.

### **D-4    AGENDA - CONTENTS OF**

1. 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

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

2. Approval of the Minutes  
The Commission shall review and approve the minutes of the previous meeting. Any changes or amendments to the draft minutes may be made by a majority vote of the Commission Members.
3. Discussion  
These items include all matters properly brought before the Commission, which require a decision. The Commission may continue discussion of any items carried over from previous meetings. The Commission may recognize staff members or members of the audience for comment pertinent to the item.
4. Public Comment
  - a. There shall be a designated agenda item indicating when comments will be received from the public on items not listed on the agenda.
  - b. If action needs to be taken on any subject brought up during public comment, the items must be properly scheduled on the agenda.

- c. Each individual addressing the Commission on an item not listed on the agenda will be limited to three (3) minutes, unless the duration of time is extended by a majority vote of the Commission.
- d. The public comment portion of the meeting shall not exceed a cumulative total of thirty (30) minutes, unless the duration of time is extended by a majority vote of the Commission.

5. 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 COMMISSION**

**E-1 WRITTEN CORRESPONDENCE**

The City Manager, or designee, and Staff Liaison, or designee, is authorized to receive and open all mail addressed to the Charter Review Commission 2020, and he/she shall give it immediate attention. Any communication requiring Commission action shall be placed on the agenda.

**E-2 RIGHT TO ADDRESS THE COMMISSION**

Subject to the provisions of Section E-3, E-4, and F-8, interested persons shall have the absolute right to address the Commission on matters on the agenda. All public comment and input shall be heard on an item when the matter comes up on the agenda.

**E-3 MANNER OF ADDRESSING COMMITTEE**

Any person desiring to address the Commission 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 Commission.

**E-4 TIME LIMITATION**

Every person addressing the Commission on an item on the agenda shall limit his/her address to three (3) minutes or such reasonable time as is granted by the majority of the Commission. When any group of persons wishes to address the Commission 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 AMONG COMMISSION MEMBERS**

**F-1 GETTING THE FLOOR**

Every Commission 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 Commission Member desiring to question City staff shall, after recognition by the Presiding Officer, address his/her questions to the Staff Liaison, or Appropriate Department Director, or designee. In the case of a Department Director, 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 Commission 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 Commission Member, or unless the speaker chooses to yield to a question by another Commission Member. If a Commission 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 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 Commission Member to appeal to the Commission. 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 Commission's decision shall conclusively determine such question of order.

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

The right of a Commission Member to address the Commission 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 Commission is concerned. A Commission 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 COMMISSION MEMBERS AND SYNOPSIS OF DEBATE**

Any Commission 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 Commission entered into the minutes. This right shall be exercised by specific direction to the Secretary during the Charter Review Commission 2020 meeting.

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

While the Commission is in session, the Commission 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 Commission 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 Commission meetings shall observe the same rules of order and decorum applicable to the Commission and staff. Any person making irrelevant, impertinent, or profane remarks or who becomes boisterous while addressing the Commission or while attending the Commission 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 attendance before the Commission for the remainder of 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 Commission for consideration and action. The Presiding Officer and each Commission Member has the right to present a motion.

#### **G-2     SECOND REQUIRED**

A motion by any Commission Member shall not be considered by the Commission 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 Charter Review Commission 2020 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; Commission 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 Charter Review Commission



2020 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 Charter Review Commission 2020 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 Commission, 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 Charter Review Commission 2020 Member may move to immediately bring the question being debated by the Commission 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 Commission 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 Time Certain - Any Commission Member may move to postpone debate and action on the motion to a date and time certain.
  - e. Commit or Refer – Any Commission Member may move that the matter being discussed should be referred to staff or a subcommittee for further study. The motion may contain directions for staff, or subcommittee, as well as a date upon which the matter will be returned to the Commission agenda. If no date is set for returning the item to the Commission agenda, any Commission member may move, at any time, to require the item be returned to the agenda.
  - f. Amend - Any Commission 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 Commission 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 Commission are to ensure orderly conduct of meetings and are for the convenience of the Presiding Officer and Commission 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 Commission 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 Commission sets aside the agenda order of the day. This motion is not debatable.
  - b. Question of Privilege - Any Commission Member, at any time during the meeting, may make a request of the Chair to accommodate the needs of the Commission 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 Commission Member may move for a recess.
  - d. Adjourn - Any Commission Member may move to adjourn at any time, even if there is business pending. The motion must be carried by a majority vote of the Commission Members present.
  - e. Point of Order - Any Commission Member may require the Presiding Officer to enforce the rules of the Commission 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 Commission Member be dissatisfied with a ruling from the Presiding Officer, he/she may move to appeal the ruling to the full Commission.
  - g. Suspend the Rules - Any Commission Member may move to suspend the rules if necessary to accomplish a matter that would otherwise violate the rules.
  - h. Division of Question - Any Commission 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.
  - i. Reconsider - The Commission may reconsider any vote taken at the same meeting, but no later than the 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 Commission 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 precedence 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 Commission 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 Commission 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 Commission shall vote by roll call vote or voting machine so the results reflecting all "yes" and "no" votes are 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 a higher vote is required by statute, ordinance or resolution. An abstention shall not be counted as a "yes" or a "no" vote but the Commission 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 Commission Member making the motion.
2. Second, the Commission Member seconding the motion
3. Followed by the balance of the Commission 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 Commission or by opinion of the City Attorney or designee. Self-disqualification, without cause, which results in a tie vote should be avoided, but no Commission Member shall be forced to vote.

### **H-5 CONFLICT OF INTEREST**

Commission Members shall not vote if private or personal interests are likely to conflict with the general public interest, as set forth in the State Political Reform Act and Fair Political Practices Commission regulations.

## **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 Commission 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 Charter Review Commission 2020 shall be recorded in the minutes and shall include by Commission Member name, "yes" votes, "no" votes, abstentions, and absences.

## **I.      PREPARATION OF MINUTES**

The Secretary of the Commission 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 Commission.

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

Any official presentation on behalf of the Commission to the City Council, or any other public body, shall be made by the City Manager, Staff Liaison, the Chair, or Vice-Chair in the Chair's absence, or a member of the Commission specifically designated by the Commission.

**APPROVED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

I, ROSALIA BUTLER, CITY CLERK of the City of Pomona do hereby certify that the foregoing By-Laws were adopted at a regular meeting of the City Council of the City of Pomona held on October 21, 2019 by the following vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

ABSTAIN: COUNCILMEMBERS:

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Rosalia Butler, City Clerk