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# CITY OF POMONA

## COUNCIL REPORT

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October 21, 2019

To: Honorable Mayor and Members of the City Council

From: Linda Lowry, City Manager

Submitted By: Linda Matthews, Human Resources/Risk Management Director

**SUBJECT: FORMATION OF A CHARTER REVIEW COMMISSION FOR  
PURPOSE OF REVISING THE POMONA CITY CHARTER**

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### **RECOMMENDATION:**

It is recommended that the City Council take the following actions:

- 1) Review the draft bylaws for the 2020 Charter Review Commission;
- 2) Designate a budget of \$26,000 for legal services from current appropriations in support of the Charter Review Commission; and
- 3) Direct the City Clerk's Office to accept applications for the 2020 Charter Review Commission from the period of October 22, 2019 through November 12, 2019.

### **EXECUTIVE SUMMARY:**

Approval of this item will initiate the process to appoint the Charter Review Commission 2020 (CRC) in accordance with Article XVII, Section 1701 of the Pomona City Charter and provide the structure and procedures for the CRC. The recommendation is to appoint seven (7) members to the Commission, with one appointed by each Council Member and to have the Mayor's appointee serve as Chair.

### **FISCAL IMPACT:**

The fiscal impact of the Charter Review Committee is estimated to be \$26,000 in legal costs as requested herein. In addition, there will be initial legal costs associated with the formation of the Commission and staff time and supplies to support the Commission. Costs will be absorbed within existing budget appropriations; however as the legal costs for this Commission were not specifically anticipated in the legal services budget, additional budget appropriations to cover the legal services costs may be requested at a later time if needed.

## **PREVIOUS RELATED ACTION:**

In April 1996, the City Council adopted Resolution No. 96-33, enacting the formation of a Charter Review Committee. The current City Charter was last revised and approved by the electorate at the General Municipal Election of November 1998. On May 3, 2010, the City Council appointed a Charter Review Commission for 2010 pursuant to the City Charter. The proposed revised Charter was submitted to the voters in November 2012 but was not approved.

## **DISCUSSION:**

In accordance with Article XVII, Section 1701 of the Pomona City Charter, the City Council is to appoint a Commission in January 2020 to consider and propose amendments to the existing Charter. No later than twelve months from its inception, the Commission shall submit its proposals to the City Clerk for placement on the ballot at the next scheduled election.

Human Resources/Risk Management Director Linda Matthews has been assigned by the City Manager to be the Staff Liaison to the CRC. This report provides background information and draft bylaws to facilitate timely and efficient appointment and completion of the CRC mission as described in the City Charter.

## **Legal Basis for Charter Review Commission**

The applicable Charter sections related to the Charter Review Commission are as follows:

### **Article XVI. Charter Amendment**

#### **Section 1601. Proposal of Amendment.**

Amendments to this Charter may be proposed and placed on the ballot:

- (a) by the voters of the City following procedures for Initiatives as specified in the California Elections Code.
- (b) by ordinance of the Council containing the full text of proposed amendment and passed by five-sevenths (5/7) of the total membership of the Council.
- (c) by report of a Charter Commission created as specified in Article XVII.

#### **Section 1602. Elections.**

Elections shall be governed by the California Elections Code.

#### **Section 1603. Adoption of Amendment.**

Amendments shall become effective by approval of a simple majority of the electors voting on the issue. If approved by the voters, any amendment shall become effective at the time fixed in the amendment, or, if no time is fixed, thirty (30) days after its adoption by the voters.

#### **Section 1701. Charter Commission.**

Beginning in January of the year 2010, and in January of every tenth year thereafter, the Council shall appoint a Commission to consider and propose amendments to the existing Charter. No later than twelve (12) months from its inception the Commission shall submit its proposals to the City Clerk for placement on the ballot at the next scheduled election.

### **Proposed Timeline**

It is proposed that the Charter Review Commission begin meeting in January 2020 and target a completion date of November 2, with the report submitted to City Council on November 16, 2020. The proposed timeline is less than the twelve (12) months provided for in the Charter and it is recognized that the timeline is aspirational and may be extended. The Charter provides that any proposed changes be submitted to the voters during the next schedule election. This has been interpreted to be the next regularly scheduled City election, which would be in November 2022.

A proposed tentative timeline is as follows:

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| Begin accepting applications for Commission              | October 22, 2019  |
| Last date to apply                                       | November 12, 2019   |
| Target date for selection of appointees                  | December 2, 2019  |
| Council approval of Commission members                   | December 16, 2019   |
| Initial meeting  | January 9, 2020   |
| Regular Meetings   | 4 <sup>th</sup> Thursday of each month from January through October |
| Target date for submission of report to City Clerk       | November 2, 2020  |
| Target date for submission of report to the City Council | November 16, 2020   |
| Next regularly scheduled election                        | November 2022   |

### **Bylaws and Related Policy Decisions**

Attachment 1 is a draft of the bylaws prepared to facilitate timely commencement of the CRC meetings. It is anticipated that a final version of the bylaws will be presented to City Council for approval at the same time as the proposed Commissioners are presented for approval. These bylaws are similar to bylaws for other City Commissions. Some key policy decisions specific to the Charter Review Commission will be made with the approval of these bylaws and are described below.

1. Duration. The Commission will commence in January 2020 and continue through December 2020 or upon earlier submittal of proposed Charter amendments.
2. Composition: The CRC will include seven (7) appointees, one selected by each Council Member.
3. Eligibility: The appointee must be a resident of the District that the Council Member represents. The Mayor's appointment may be made at large.
4. Vacancies: A seat will be considered vacant if a Commissioner submits a written resignation to the City Clerk or if a Commissioner is no longer able to consistently serve as evidenced by missing two consecutive regular meetings. When a vacancy occurs, the respective City Council Member shall make a new appointment to the vacant seat with 14 calendar days, followed by written notification to City Council.
5. Chair: The Chair will be the Mayor's appointee. The Chair's role is to ensure the meetings run in an orderly manner. The Chair has the same voting rights as all other members. By predesignating the Chair of the commission, this will remove front end administrative tasks and will expedite commencement of actual Charter review by the CRC.

6. Vice-Chair: It is recommended that the Vice-Chair be appointed by the CRC for the duration of the Commission.
7. Regular meeting time: It is recommended that the first meeting be Thursday, January 9, 2020 at 5:30 p.m. and the regular meetings be scheduled on the fourth Thursday of each month from January through October 2020 at 5:30 p.m. This day and time was chosen to avoid conflicting with other Commission meetings and the City Council meetings and to ensure availability of key staff supporting the Commission such as the Staff Liaison, City Attorney and City Clerk.
8. Special Meetings and Sub-Committees: The CRC may schedule special meetings and/or sub-committee meetings as desired.
9. Agenda: The agenda sections are streamlined to be appropriate for the CRC including call to order, flag salute, roll call, approval of minutes, discussion, public comment, and adjournment.

### **Legal Services**

One issue is how legal services will be provided to the Commission. As with all staff work, a judgment call needs to be made regarding the cost/benefit of attorneys attending meetings and performing related legal research. To address this issue, it is recommended that the City Council designate a legal services budget of \$26,000 from current budget appropriations for City Attorney services, which will fund approximately 10 hours per month of City Attorney legal services for the duration of the CRC.

The Staff Liaison will work with the CRC to determine how and when legal services will be used within this economic parameter. It is anticipated that this budget will be spent on attendance at certain CRC meetings, and legal research and preparation of documents as requested by the Commission. The \$26,000 will exclude any preparatory work up prior to the formation of the Commission or any additional related legal work that may be requested by staff that is not requested by the Commission.

Initially, the \$26,000 will be funded from the current appropriations for City Attorney services; however, as these costs were not specifically anticipated in the budget, additional appropriations may be requested at a later date if needed.

### **Application Process**

Pomona residents interested in serving on the Charter Review Commission 2020 will need to complete and submit a City Commission Application form (Attachment 2). The City Clerk will forward applications to the applicable Council Member. Each Council Member is responsible for determining their appointee to the Commission and notifying the City Clerk. The list of proposed appointees shall be submitted to City Council for approval.

**COUNCIL PRIORITIES & GOALS:** This item supports the 2019-2020 City Council Priority 1: Fiscal and Operational Responsibility – Goal D: Support City Commissions and ensure alignment between City Council goals and Commission activities.

Prepared by: Linda Matthews, Human Resources/Risk Management Director

**ATTACHMENT(S):**

Attachment No. 1 – Draft Bylaws for Charter Review Commission 2020

Attachment No. 2 – Application for Commissions