

RESOLUTION NO. 2020-104

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA
EXTENDING THE TIME DURING WHICH THE POMONA CHARTER
REVIEW COMMISSION MAY CONSIDER AND PROPOSE CITY
CHARTER AMENDMENTS DUE TO COVID 19 AND CLARIFYING THE
PROCEDURES FOR CITY CHARTER AMENDMENT PROPOSALS BY
THE CHARTER REVIEW COMMISSION**

WHEREAS, Pomona City Charter, Section 1701 states as follows:

“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 each inception, the Commission shall submit its proposals to the City Clerk for placement on the ballot at the next scheduled election.”

WHEREAS, on December 16, 2019, the City Council appointed seven Pomona residents to serve as the City’s Charter Review Commission for the Year 2020 (the “Commission”);

WHEREAS, Section 1701 gives the Charter Review Commission 12 months from its inception to complete its review of the existing City Charter and to consider and propose amendments to the existing City Charter;

WHEREAS, due to the COVID-19 virus and resulting public health social distancing restrictions put in place by the State of California and the County of Los Angeles, the Commission was unable to conduct its scheduled meetings in March and April 2020;

WHEREAS, while the Commission was recently able to resume meetings, due to continued social distancing restrictions, these meetings have been held via online platforms rather than in-person at a public venue;

WHEREAS, while these online meetings have allowed the Commission to resume its work, there is concern that, to date, the public’s ability to provide input and comment on potential City Charter amendments has been limited due to the COVID-19 pandemic;

WHEREAS, notwithstanding COVID-19, social distancing restrictions, and the lost time to conduct meetings and receive public input and comment, the Commission still faces a 12-month deadline under the Charter to complete its work;

WHEREAS, the Pomona City Charter is the “Constitution of the City” which outlines the fundamental laws and policies of the City;

WHEREAS, the City Council declared a local emergency due to the unprecedented COVID 19 crisis and similar to actions taken at the State level, strongly believes that the Commission should have additional time to seek and receive public input and comment and that the Commission should not be rushed in its deliberations over potential Charter amendments due to COVID-19 and its effects;

WHEREAS, the City Council therefore desires to provide the Commission additional time beyond the normal 12-month deadline to complete its work;

WHEREAS, City Charter Section 1701 is ambiguous in outlining some of the roles and duties of the City Council and the Commission with regard to consideration and proposal of Charter amendments;

WHEREAS, therefore the City Council also desires to clarify the roles and duties of the City Council and Commission with regard to consideration and proposal of Charter amendments.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Pomona as follows:

SECTION 1. That the above recitals are true and correct.

SECTION 2. The Commission may approve and submit single or multiple Charter amendment proposals in one or more reports to the City Clerk for direct placement on the ballot at a single municipal election, occurring either on November 3, 2020 or November 8, 2022.

SECTION 3. Notwithstanding City Charter Section 1701, if the Charter Review Commission is unable to complete its work in time for placement of one or more charter amendment(s) on the November 3, 2020 ballot, the term of the Charter Review Commission appointed by the City Council on December 16, 2019 shall be extended until June 30, 2021 or until such earlier date as determined by the Commission.

SECTION 4. Notwithstanding City Charter Section 801 (c), Commission members shall serve a term as set forth in Section 2 above, without regard to the remaining term of the Council Member/Mayor who appointed them. No member of the Commission may be removed during their term except upon the request of a majority of the Commission and upon a 5/7 vote of the City Council.

SECTION 5. After submission by the Commission, the City Clerk shall agendize each proposal for City Council action, who shall place the proposal on the ballot at a single municipal election occurring on the date chosen by the Commission as set forth in Section 2 above. The City Council shall not be required to conduct noticed public hearings on any Commission-proposed Charter amendment prior to placing it on the ballot.

SECTION 6. Prior to placement on the ballot, the City Council may suggest revisions to any Charter amendment proposal submitted to it by the Commission. The City Council may not

alter such Charter amendment proposal but may refer revisions back to the Commission. If the Commission does not approve any of those revisions suggested by the Council, the Council shall place the Charter Amendment proposal on the ballot as previously approved by the Commission without alteration. If the Commission revises the Charter amendment proposal based upon the Council's suggestions, the Council shall thereafter place the Charter Amendment proposal on the ballot as revised by the Commission.

SECTION 7. That the City Clerk shall attest and certify to the passage and Adoption of this Resolution and it shall become effective immediately upon its approval.

PASSED, APPROVED AND ADOPTED this 6th day of July, 2020.

CITY OF POMONA:

Tim Sandoval
Mayor

APPROVED AS TO FORM:

Sonia Carvalho
City Attorney

ATTEST:

Rosalia A. Butler, MMC
City Clerk

I, HEREBY CERTIFY that the foregoing resolution was duly adopted by the City Council of the City of Pomona at a regular meeting thereof held on July 6, 2020 by the following vote of the Council:

AYES:

NOES:

ABSTAIN:

ABSENT:

Rosalia A. Butler, MMC
City Clerk