



CITY OF POMONA COUNCIL REPORT

July 6, 2020

To: Honorable Mayor and Members of the City Council

From: James Makshanoff, City Manager

Submitted By: Linda Matthews, Human Resources/Risk Management Director and Staff Liaison to Charter Review Commission

**SUBJECT: ADOPTION OF RESOLUTION EXTENDING THE TERM OF THE
CHARTER REVIEW COMMISSION AND CLARIFYING PROCEDURES**

RECOMMENDATION:

It is recommended that the City Council adopt the following resolution:

RESOLUTION NO. 2020-104 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA EXTENDING THE TIME DURING WHICH THE POMONA CHARTER REVIEW COMMISSION MAY CONSIDER AND PROPOSE CITY CHARTER AMENDMENTS AND CLARIFYING THE PROCEDURES FOR CITY CHARTER AMENDMENT PROPOSALS BY THE CHARTER REVIEW COMMISSION

EXECUTIVE SUMMARY: The adoption of the attached resolution (Attachment 1) will authorize the Charter Review Commission to continue their work through June 30, 2021 and clarifies certain procedures related to the City Charter Amendment Proposals by the Charter Review Commission.

FISCAL IMPACT:

There are additional staffing costs and attorney's fees associated with extending the Commission's work through June 30, 2021; however, no change in budget appropriations have been estimated or requested at this time related to the extension.

PREVIOUS RELATED ACTION: On October 21, 2019, the City Council received a briefing and gave direction to establish a Charter Review Commission consistent with the requirements in the City Charter. On December 16, 2019, the City Council, appointed the Charter Review Commission and adopted initial bylaws.

DISCUSSION:

Pursuant to Article XVII of the City Charter, a Charter Review Commission is convened every 10 years and is provided 12 months to review and propose changes to the Charter at the next regularly scheduled election. The specific language from the Charter is as follows:

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

The Charter Review Commission 2020 (CRC) was convened in January 2020 and is scheduled to end by January 2021. To date, the CRC has identified and is proposing at least five separate Charter amendments for placement on the ballot. In addition, it is also reviewing proposals related to funding for youth and a police commission that have been submitted by members of the Community.

The global pandemic cause by COVID-19 has had a significant impact on the work of the CRC. The meetings in March and April were cancelled as a result of COVID-19, as was a special meeting scheduled for March designed to focus on public input. Meetings resumed in May via Zoom.

The attached resolution was prepared by the City Attorney's Office. The resolution authorizes an extension of the Charter Review Commission through June 30, 2021 to complete its work. The resolution also clarifies the following procedural issues:

1. Includes provisions to ensure consistency of the CRC. Specifically, the resolution states that "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." This means that Charter Review Commissioners would not automatically lose their seat if an incumbent Councilmember did not get re-elected.
2. Authorizes the CRC may place multiple proposals on the ballot. This will allow the merits of each proposal to be considered separately by the voters. The CRC determines how the proposals are combined or split.
3. Clarifies that the CRC has the final authority as to the content of the Charter amendments it proposes. The City Council may provide input, but it cannot direct the CRC to change its proposals.
4. Explains that the process for placement on the ballot includes submission to the City Council to call for the election and that public hearings are not required.

The City Attorney has advised that the City Charter allows the CRC to place Charter amendments on the ballot in either November 2020 or in November 2022, but not both. At the Charter Review

Commission meeting on June 25, 2020, the CRC determined that it would continue working diligently and determine at a later date if it would place items on the ballot in November 2020 or November 2022. A key factor in its decision is whether the City Council will authorize and extension of the CRC's term.

One issue that has been raised, but not specifically addressed in the resolution, is legal support to the Commission. At a later date, the City Attorney intends to recommend separate outside Council to support the Commission. As the CRC is able to place proposals on the ballot independently of City Council, it seems appropriate for separate legal counsel to be assigned to ensure there is no perceived conflict of interest. This recommendation will be brought back a later date once appropriate outside counsel is identified.

In summary it is recommended that City Council adopt the attached resolution extending the CRC through June 30, 2020 and clarifying ballot placement procedures.

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 and Staff Liaison to the Charter Review Commission

ATTACHMENT:

Attachment No. 1 – Resolution Extending Charter Review Commission and Clarifying Procedures