

City of Pomona

505 S. Garey Ave
Pomona, CA 91766



Special Meeting Minutes CHARTER REVIEW COMMISSION

*Chair Derek Engdahl
Commission Member John Clifford
Commission Member Efrain Escobedo
Commission Member Edward Jimenez
Commission Member Dean Rudenauer
Commission Member Eunice Russell
Commission Member Ann Tomkins*

VISION STATEMENT

*Pomona will be recognized as a vibrant, safe, beautiful
community that is a fun and exciting destination and the home of
arts and artists, students and scholars, business and industry.*

Thursday December 17, 2020

6:00 PM

Teleconference via Zoom

6:00 P.M. Teleconference via Zoom

CALL TO ORDER

Chair Engdahl called the Charter Review Commission Special Meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE

Commissioner Jimenez led the Pledge of Allegiance.

ROLL CALL

Present: Chair Derek Engdahl
Commission Member John Clifford
Commission Member Efrain Escobedo
Commission Member Ann Tomkins
Commission Member Dean Rudenauer
Commission Member Edward Jimenez
Commission Member Eunice Russell

STAFF PRESENT

Linda Matthews, Human Resources/Risk Management Director (Staff Liaison Matthews)
William Priest, Deputy City Attorney
Rosalia Butler, City Clerk
Debbie Wittenbrock, Legal Administrative Assistant
Alison Glynn, City Clerk Office Assistant

PUBLIC COMMENT

There were no public comments.

CONSENT AGENDA

1. Approval of Charter Review Meeting Minutes

It is recommended that the Charter Review Commission approve the following Charter Review Commission Meeting Minutes:

- September 24, 2020 Meeting Minutes
- October 22, 2020 Meeting Minutes

Commissioner Russell and Deputy City Attorney Priest asked for a couple of minor revisions to the September 24, 2020 minutes.

Commissioner Russell asked to add context to page 5, paragraph 1 stating that the Council received healthcare and pensions despite the fact that most people did not even realize that they were part-time.

Commissioner Russell proposed a motion, seconded by Commissioner Clifford, to approve the September 24, 2020 and October 22, 2020 Charter Review Commission Meeting Minutes as amended. Motion carried by a vote of 7-0

DISCUSSION CALENDAR

2. Report to City Council: Receive an update regarding the report being prepared for City Council regarding the Independent Redistricting Commission and Primary Election Proposals and provide feedback as desired.

Staff Liaison Matthews provided a brief overview as a follow up to the previous November Council meeting in regards to the staff report presented to Council for feedback regarding the independent redistricting commission.

Deputy City Attorney Priest suggested an edit in the last paragraph of the last page in regards to the final map being subject to citizen's referendum. He shared that he had done some research and spoken to some colleagues familiar with redistricting and had

found it was not entirely clear legally whether an independent Commission-adopted map was subject to referendum. He suggested striking the last paragraph and said, even if the law changed in the future to signify that it could be subject to referendum, then the law would provide for it whether or not it was in the Charter or an ordinance.

Staff Liaison Matthews agreed to strike the paragraph after a consensus from the Commission and shared that they were proposing to present the memorandum to Council on January 4, 2021. She encouraged the Commissioners to attend the meeting.

Commissioner Escobedo suggested being more specific in the recommendation section to indicate they were requesting that Council create an independent redistricting commission in time for the 2021 redistricting process. He also suggested that they refer back to the 2021 redistricting period based on the 2020 Census in the memo rather than just referring to the 2020 Census on its own.

Deputy City Attorney Priest mentioned that he and Staff Liaison Matthews understood that they needed to communicate a need for speed in order to get things in place to accomplish the independent redistricting for this cycle.

Commissioner Tomkins asked for clarification that they were asking Council to provide comment on the long form proposed Charter amendment on redistricting and asking them to consider doing it by ordinance.

Deputy City Attorney Priest explained that the original approach was an actual long form Charter amendment that would have the entire procedure set forth within it. He pointed out that the new direction that had been discussed would be to have the Council move forward with a resolution or ordinance. He shared that once it was adopted, an independent redistricting committee could use the 2020 Census data to do the work in 2021. He explained that the difference between the two approaches was that Council could change an ordinance or a resolution without having the consent of the people. He said that a short form Charter amendment discussed later in the agenda, could be added to the ballot in 2022, and would lock the concept of an independent redistricting commission into the Charter. He pointed out that it would also include general language on how Council could create a resolution or ordinance to set up such a commission in future redistricting efforts.

Commissioner Clifford said he was confused by the simplified version and thought that they were just simplifying it to make it not as long.

Staff Liaison Matthews pointed out that they would be discussing the simplified version later in the agenda and explained they were going to present the long version to Council.

Commissioner Russell asked if they were presenting it to Council for creation of an ordinance or resolution and if they still planned on putting it on the 2022 ballot.

Staff Liaison Matthews explained that she understood there was a desire to see what Council thought about an independent redistricting committee as a Charter amendment

as originally proposed and to see if they would create one voluntarily through a resolution or ordinance. She said she thought the plan after that was to place it on a primary ballot as well.

Commissioner Rudenauer said that the intent was to take the language that was originally written and try to truncate it without changing any of the content. He said he thought it would not go before Council until it was a finished product.

Commissioner Russell said it was not her understanding that it would be submitted to Council for them to do an ordinance or a resolution. She mentioned earlier concerns that Council would not go about this in a fair manner because of the way it affected them.

Chair Engdahl said, because an independent redistricting committee would not be implemented for another ten years, they wanted to bring the language before Council to see if they would consider doing a resolution or ordinance to implement it sooner. He explained they would still be discussing placing language on the ballot in 2022 for a Charter amendment.

Commissioner Russell said it would be great if they wanted to take the language presented by the Commission and create an ordinance or a resolution, but stressed that she still wanted it to be presented to the voters to weigh in on in 2022.

Staff Liaison Matthews pointed out there was nothing in the Council report that talked about a simplified version or its exclusion from the 2022 ballot.

Commissioner Clifford said it was his understanding was that they wanted to present it earlier to the Council to see if they would be on board to create the independent redistricting committee in 2021, but that they would still be able to present it to the voters in 2022. He pointed out that an ordinance or resolution could always be modified or changed in the future.

Staff Liaison Matthew mentioned the timeline Deputy City Attorney Priest created and indicated, that in order to follow the timeline, they would have to present to Council at the January 4, 2021 meeting as discussed. She said the timing would be crucial to getting the process started in either March or April of 2021.

Commissioner Escobedo pointed out that this could be an opportunity for Council to take action in order to get the ball rolling on redistricting, and there would be time for the Commission to fine tune the language that would be placed on the ballot. He said he agreed with Staff Liaison Matthews that they needed to act fast in order to meet the deadlines and be able to move forward with the plan for 2021.

Chair Engdahl asked if the Commission was on board with sending the long form of the proposal to Council.

Commissioner Rudenauer asked why they could not present both the truncated and long version of the language to Council on January 4.

Commissioner Clifford explained that the reasoning for presenting the long version was to ensure the Council was aware of all of the State Laws contained within the long version. He said the short version would be good for a ballot measure, but the long version would be a benefit to the Council, so they could have a better understanding of the process when drafting a resolution or ordinance.

Commissioner Tomkins asked about the description of the primary election costs included in the report and asked if they had the cost for the past election.

City Clerk Butler indicated they had not received the invoice for the 2020 election but that she would share it with the Commission once it was received.

Commissioner Tomkins pointed out that the staff report did not include language about the cost in relation to voting in person versus voting by mail. She said she was really curious about how all of that would work out. She explained that the staff report wording indicating that Council “placed an item on the ballot,” was not the best way to convey it because it made it seem like the Council considered it separately rather than as a part of a larger Charter amendment.

Staff Liaison Matthews indicated she would go back and look at the language.

Commissioner Tomkins proposed a motion, seconded by Commissioner Escobedo, to receive and file the report. Motion carried by a vote of 7-0.

3. Police Commission: Review three language proposals submitted by Commissions Ad Hoc Subcommittee and provide direction.

Benjamin Wood, Co-founder of POST (Police Oversight Starts Today), spoke on the proposals and indicated they were basically the same in substance. He said the proposals, for the most part, reflect some of the concerns voiced by POST, and suggested adding a provision requiring the commission to investigate incidents involving use of force with minors. He questioned why there were five members instead of seven and worried that there could be uneven representation and less diversity. He said all of the reports were deficient within clause G because they indicate the commission would make recommendations to the Chief of Police regarding discipline. He said that this approach would not empower the commission to make those decisions on its own.

Miranda Sheffield thanked the subcommittee for their reports and said she also liked that a lot of the language reflected the concerns of POST. She stressed the need for an independent investigator and the need to reach out to the community to ensure they know that the police commission is an independent body designed to increase transparency.

Chair Engdahl asked how the subcommittee would like to present.

Commissioner Tomkins shared that the reports were similar and they should talk about

the differences between the three versions to get some feedback from the Commission on how they would like the subcommittee to proceed.

Chair Engdahl pointed out that they should also get some feedback on the common language as well.

Commissioner Rudenauer suggested they go over the three reports so each individual subcommittee member could explain the logic behind the language included.

Commissioner Russell explained that her changes were subtle and said that they should go through the reports paragraph by paragraph.

Chair Engdahl asked which report they were going to use.

Commissioner Tomkins explained that her report had a lot to it and asked for feedback on what to include. She talked about the five-member police commission suggestion and asked how the Commission wanted to proceed.

Chair Engdahl suggested they discuss the version created by Commissioner Rudenauer and that Commissioners Russell and Tomkins could chime in to explain the sections that were unique to their individual reports.

Commissioner Rudenauer gave an overview of the included report and explained why they decided on the five-member option. He said the requirements for appointment would be a lot more stringent than other commissions and it could be harder to find qualified individuals. He explained that they would be chosen at-large, rather than chosen from individual districts.

Commissioner Clifford said he was concerned about the lack of specificity in regards to how the commission is formed and the terms of office. He also suggested including some diversity requirement to ensure they do not end up with five commissioners from the same district. He said he liked the idea of five commissioners and cautioned against allocating a commissioner for each council district. He stressed the importance of public perception and ensuring that it was a fair and equitable process.

Commissioner Russell cautioned against being too restrictive in the selection process and explained that they might not be able to find qualified individuals if they were too specific in the selection criteria. She explained that the five-member model was chosen because they did not want to give the impression that Council would be able to influence the commission by handpicking someone from their district. She explained that a five-member model would be much easier to deal with than seven members. She said less was better for the language in the first paragraph.

Commissioner Escobedo shared a couple of perspectives for consideration. He explained that, if there were a preamble, it should help to increase public confidence by including words like accountability and oversight. He also suggested that the Mayor make the commission appointments with ratification from the other Councilmembers to let the

public know that someone is accountable for the composition of the commission.

Commissioner Clifford said he still hopes the proposal would specify the lengths of terms for the commission members and whether they would be staggered or all turn over at once.

Chair Engdahl pointed out that they had decided to leave some of the detail for the Council to determine.

Commissioner Tomkins asked for feedback on how much detail they wanted to place into the Charter and said that they wanted to ensure that the public had some say over some of the details of the police commission. She pointed out that members of the public were split on the issue of the police commission and explained that, if they included too much detail, it may not be passed by the voters. She said she would like to hear some direction from the Commission on whether they wanted to include more detail and specificity in the Charter or in an ordinance created by the Council.

Commissioner Russell pointed out some issues the public brought up in the chat and agreed it was imperative that they decide how much detail to include in the proposal. She explained that they could use the existing language in the Charter on commissions to help establish how this commission would be run. She asked if the guidelines in the Charter could be used for term limits and other requirements to help limit the amount that they place in the proposal.

Commissioner Rudenauer reminded the Commission that he was considering the perspective of citizens like himself who were not entirely convinced that a police commission was needed. He explained that keeping the language simple and flexible rather than too complex, might convince voters to vote in favor of establishing a police commission.

Commissioner Clifford explained that he was not suggesting making it long or difficult, but that they needed to address term limits and number of commissioners briefly within the proposal. He pointed out that the existing language in the Charter regarding commissions was intended for the traditional seven-person commission and not a more complex commission such as a police commission.

Commissioner Russell asked Deputy City Attorney Priest about Section 801 of the Charter and its requirement that all appointed boards and commissions have the same appointed number of members as Council and if they were even allowed to have a five-person police commission.

Deputy City Attorney Priest explained that, if the commission were to have a different number of members than what is specified in Section 801, they should provide for it in the proposed amendment.

Commissioner Russell said they could also include the term limits in the proposed amendment. She said she agreed that they would have to include more details in the

amendment because of the differences in requirements than the more general commission requirements outlined in Section 801.

Deputy City Attorney Priest mentioned that the proposal would also have to include language about staggered terms.

Chair Engdahl said he agreed that they should have staggered terms and said he was fine with the five-member model as long as they included some language on the diversity of the members in the proposal. He warned that without language ensuring that the composition of the commission would reflect the community, they could end up with five members from the same district.

Commissioner Russell suggested including language specifying that all members could not be from the same district. She warned against including too much language detailing the requirements of commission members and mentioned that it may result in a lack of qualified applicants.

Commissioner Rudenauer explained that the members would need to have a certain skillset to effectively do their job and warned against requiring too much diversity on the commission. He said that using affirmative action to ensure cultural diversity might do more harm than good in regards to a complex commission such as a police commission.

Chair Engdahl explained that it was not necessarily about skin color, but that the public should have some sense of representation in regards to the composition of the commission.

Commissioner Escobedo pointed to the diversity of the Charter Review Commission and the importance of having different viewpoints and backgrounds. He said it was important to value traditional qualifications when considering the commission membership criteria, but they should also look at other factors so they have good representation on the commission as opposed to just five lawyers or another similar situation.

Deputy City Attorney Priest suggested that the Commission have a rule stating that no more than two of the five commissioners be from the same district. He said that this approach would help to ensure diversity without excluding qualified individuals who might be from the same district.

Commissioner Tomkins said she was in favor of more people on the commission to ensure diversity and shared some examples of language from other police commission proposals. She asked Deputy City Attorney Priest if the proposed language in her report allowing the Council to select the number and term of office of all Commissioners would be sufficient authority in light of the requirements outlined in Section 801 of the Charter.

Deputy City Attorney Priest suggested adding “notwithstanding any other provision of the Charter” to the beginning of the language mentioned by Commissioner Tomkins. He explained that it would help to clarify that the included language overrides any other provision mentioned in the Charter.

Chair Engdahl said he would be fine with the five-member scenario, if they included language to ensure diversity.

Commissioner Clifford indicated that he preferred specificity over flexibility and that he was concerned about the actions of future Councilmembers.

Commissioner Rudenauer pointed out the time and suggested adding this as an agenda item for the next meeting or tabling some other items later in the agenda.

Chair Engdahl said he was aware of the time and pointed out the complexity of this agenda item and the need to spend more time discussing it.

Commissioner Escobedo mentioned that he did not see anything giving the commission oversight or review power over training and use-of-force policies and asked the committee members to provide perspective on their decision-making regarding this issue.

Commissioner Russell explained that some things were difficult to include due to meet and confer requirements and said that the language included in the report was intended to create a balance between the needs of the public and the police. She said she agreed that they should take the proposal and come back with some language, but there should be some consensus on what to include in the revision in regards to terms and number of commissioners.

Commissioner Tomkins pointed out that they did have some language in the report detailing that the commission would have the power to review and advise on police policies and practices. She asked Commissioner Escobedo if he was suggesting they expand it specifically to include use-of-force policies or if he would like it to go further than reviewing and advising the police department.

Commissioner Escobedo indicated that he wanted to ensure the language was inclusive of those sorts of policies like use-of-force.

Chair Engdahl wondered if it might be helpful to open the discussion up more broadly for Commissioners to add suggestions and ask the subcommittee to meet and come back later with clarification on the key questions that they think the Commission needs to resolve.

Commissioner Russell explained that there were only a couple of differences between the three subcommittee member reports and that it would be helpful for the full Commission to address those differences and add suggestions and feedback on how the subcommittee should proceed.

Commissioner Rudenauer outlined a few of the discussion points about the first paragraph and asked if there were any other suggestions related to that section.

Commissioner Escobedo suggested reviewing the whole thing rather than taking it

paragraph by paragraph and Chair Engdahl agreed on that approach.

Chair Engdahl recessed the meeting for a five-minute break at 7:41 with the discussion resuming at 7:48 pm.

After the break, Chair Engdahl asked for feedback from the other commissioners in regards to the proposed language.

Commissioner Jimenez asked for clarification on the investigative procedure on officer-involved shootings. He mentioned that other external entities investigate shootings and questioned the inclusion of adding that power to the City of Pomona commission.

Commissioner Rudenauer explained that, although there were external units involved in investigating deaths, they still wanted to give this commission the power to look at any of those reports and draw their own conclusions.

Commissioner Russell explained that, if the outside reports were not to the satisfaction of the commission, they would be able to start their own investigation. She said the provision was included to give the public confidence in the commission as an independent body. She pointed out that, if the commission decided to investigate, their report would carry the same weight as the internal affairs report or reports from other outside entities.

Commissioner Jimenez asked if a federal investigation would be triggered if the external reports were found to be unsatisfactory.

Commissioner Russell explained that it was important to the community to have a say in the investigation, especially when a death was involved, and that the public often did not trust external reports or federal intervention.

Commissioner Tomkins pointed out that some of these external reports were not available to the public and that it was important to the community that the police commission have the power to investigate and compile a report when there is an officer-involved death. She explained that, in her research involving police commissions, she found it was essential to give them more power than might be needed to avoid coming across as ineffective.

Commissioner Jimenez thanked Commissioner Tomkins for her concise answer.

Commissioner Clifford asked if the independent investigator was going to be on City staff and whether the person would be full-time or used on an as-needed basis.

Commissioner Russell indicated that she believed the Commission should be able to choose the independent investigator and the City Manager would only be responsible for the contract of that individual.

Commissioner Rudenauer indicated that the position was going to be as-needed, and it was the job of the City Manager to contract with any outside person or entity. He pointed

out that the language signified the person would be assigned by the City Manager and approved by the police commission.

Commissioner Clifford said he got the impression at the public meeting that they were looking at more of an inspector general role.

Commissioner Tomkins said they were attempting to maintain flexibility by using the term independent investigator instead of inspector general. She pointed out that, whether the investigator would be part-time or full-time, would depend on the scope of the work. She said that by drafting language to allow the independent investigator the ability to ensure that complaints were being addressed, they could address feedback by members of the public who were concerned about the complaint process. She stressed that overseeing complaints would require a significant amount of responsibility on the part of the investigator.

Commissioner Russell said it was never her intent for the commission to hire anybody, but to have independent selection. She stressed that she did not want the City Manager to select the person, but only to draft the contract once the commission indicated its choice for the role. She pointed out that her language was short in regards to the investigator because she believed it should be separate from the police commission language.

Commissioner Rudenauer mentioned that the current language in the report was designed to remain flexible.

Commissioner Escobedo asked about the powers of the proposed police commission and what kind of staff support would be provided. He questioned whether the subcommittee intended to include language specific to that in its final report.

Commissioner Russell pointed out that the language included the provision for adequate funding and that it would include full-time staff support if it was deemed necessary. She said the commission would have to be given whatever was needed to effectively perform its duties.

Chair Engdahl said that he understood Commissioner Escobedo was asking for a small change to include staffing in the language for technical purposes.

After some discussion, the subcommittee indicated they were amenable to adding that provision to the police commission language.

Deputy City Attorney Priest asked if the language intended the City Manager to just perform the personnel function for the independent investigator or if it would be the administrative decision of the City Manager.

Commissioner Rudenauer said the City Manager would only perform the administrative function of hiring the person.

Commissioner Tomkins pointed out that in Section C, it indicates the candidate would have to be approved by the police commission.

Chair Engdahl clarified that the consensus was that the police commission would choose the investigator. He asked the subcommittee to work on some unified language to make it clear and said he appreciated the hard work of the subcommittee.

Commissioner Russell suggested letting the Positions Subcommittee focus on the language in regards to the inspector general.

Commissioner Rudenauer said the Enforcement Subcommittee might be a more appropriate subcommittee.

Commissioner Clifford said both subcommittees could work on the issue of the inspector general.

Commissioner Tomkins said she was concerned with the timing and asked staff what level of detail the report needed to be presented to the police union.

Staff Liaison Matthews pointed out that they could not make the language more restrictive once it was presented to the union.

Commissioner Tomkins asked the full Commission to provide feedback on the language so they could move forward with presenting it to the police union.

Commissioner Clifford said he did not see anything in the language that would set off the police union in regards to employee issues.

Staff Liaison Matthews pointed out that asking for a role in discipline might cause the union to argue that the language would be affecting the conditions of employment.

Commissioner Rudenauer recommended that they have a special meeting focused on the police commission report agenda item in order to start the meet and confer process as soon as possible.

Commissioner Tomkins asked if they had an additional meeting in January scheduled, and Chair Engdahl indicated they would discuss that during the Next Steps item. He said another December meeting seemed unlikely, but they could discuss adding an extra meeting in January to tackle the subject. He asked if there was any recourse if the police commission did not agree with the actions taken by the City Manager or the Chief of Police.

Commissioner Russell indicated that there was not anything in the report specifically mentioning that sort of situation and said they could put language in there, but she was not sure how they would go about it.

Commissioner Rudenauer mentioned the fact that the police commission activity would

be public record, and any interested member of the public could raise the level of awareness on any commission action that might be subverted by the police or City staff.

Commissioner Tomkins questioned how much is made available to the public regarding disciplinary procedures and suggested that the commission track what suggestions were implemented in a yearly report to Council. She asked Staff Liaison Matthews to elaborate on the disciplinary process.

Staff Liaison Matthews explained the current process.

Commissioner Escobedo suggested that the subcommittee look at language that specified the level of action taken in regards to recommendations from the police commission. He also suggested the subcommittee add language including incidents involving minors.

Chair Engdahl indicated that he was amenable to the suggestions from Commissioner Escobedo.

Staff Liaison Matthews reminded the Commission that there were protections in place as to what information was made available to the public.

Deputy City Attorney Priest mentioned language in each of the proposals that authorized the commission to submit annual reports on Commission activity to Council. He indicated the current language was broad enough to include the sort of report mentioned by Commissioner Escobedo. He also said that the subcommittee proposals included a broad mandate allowing for investigation of incidents that could also pertain to incidents involving minors. He said he would be willing to work with the subcommittee on language if they so desired.

Commissioner Russell asked if Deputy City Attorney Priest had looked into her request for a list of statutes particular to police commissions so they could eliminate things that they did not need to specifically address.

Deputy City Attorney Priest indicated there were no statutes he knew of that are specific to police commissions and that they were generally creations of local law. He mentioned the state laws they needed to be mindful of, including the meet and confer requirement, Public Records Act, and the Police Officers Bill of Rights.

Chair Engdahl suggested they table some of the remaining items due to time constraints and asked if there were any members of the public that wanted to comment on any of the remaining items.

Commissioner Russell asked if they were going to address some of the comments from the Q&A feature on Zoom.

Staff Liaison Matthews reminded the Commission that the Q&A could be used as a way to provide public comment at the beginning of an item. She stressed that the chat feature

was only used for logistical issues and not content conversations. She indicated that they could quickly address any comments received through the Q&A and chat, but they needed to be clear on the rules of usage for future meetings.

Commissioner Tomkins addressed a comment by Maria Galvan (see below) from the Q&A asking why her report did not include a statement on the five-year-limit like the other reports. She indicated that not including the statement was a matter of logistics and that the section should be under qualifications rather than power and duty.

Staff Liaison Matthews went through the questions received through Q&A:

Miranda Sheffield asked about defining the type of commissioners on the police commission.

M. Joyce Bakersmith asked why they would allow the Council to establish a police commission by ordinance when it could be established through the Charter.

Maria Galvan asked why the report by Commissioner Tomkins did not include a statement on the five-year limit in reference to police union representatives or retired police on the commission.

Staff Liaison Matthews indicated that Commissioner Tomkins answered her question earlier.

Maria Galvan asked if a simple majority would be 3 out of 5.

Commissioner Rudenauer indicated that a simple majority would be 3 out of 5.

Maria Galvan said that when the Council voted on the police commission, the intent of the law would prevail.

Staff Liaison Matthews reminded the Commission that Q&A comments should be limited to the beginning of each item as part of public comment.

City Clerk Butler shared that she did not see any members of the public wishing to speak on the other agenda items.

After some discussion, the Commission decided to move the discussion to Item 9 on the agenda.

Commissioner Tomkins proposed a motion, seconded by Commissioner Russell, to move the discussion to Item 9 in the agenda. Motion carried by a vote of 7-0.

4. Campaign Finance Subcommittee: Review proposals to modify various campaign finance provisions and provide direction.

This item was tabled to the next meeting.

5. Term of Mayor: Receive and discuss verbal report from staff regarding questions related to “resign to run” provisions and the fiscal impact of having an election in odd-numbered years.

Deputy City Attorney Priest talked about the “resign to run” provision and the legal issues involved. He mentioned that, although it was not prohibited, California did not have a “resign to run” provision. He mentioned there were only five states that had the provision and that a Supreme Court ruling on the Texas “resign to run” law indicated these types of laws are constitutional on the Federal level. He cautioned that the issue had not been tested under state law, and he did not find anything in the State Constitution that directly contradicted or prohibited such a law. He pointed out that, if they were to implement such a law in the City Charter as a charter city, there would be a reasonable chance it would withstand legal challenge.

He shared a few examples from the states that included the provision.

Commissioner Rudenauer asked if the subcommittee could receive copies of the language.

Staff Liaison Matthews talked about the fiscal impact of holding a mayoral election in an off-year and indicated that she had spoken to City Clerk Butler about it.

Commissioner Escobedo proposed a motion, seconded by Commissioner Russell, to table Items 6, 7 & 8 to the next meeting. Motion carried by a vote of 7-0.

6. Preamble Subcommittee: Review and approve proposed charter amendment to add a preamble to the Charter.

This item was tabled to the next meeting.

7. Charter Review Commission Language: Discuss and approve proposed Charter Review Commission amendment related to the procedures for future Charter Review Commissions.

This item was tabled to the next meeting.

8. Redistricting Commission: Discuss a simplified version of the proposed Independent Redistricting Commission charter amendment language.

This item was tabled to the next meeting.

9. Discussion Regarding Timelines and Next Steps

Staff Liaison Matthews shared the calendar for the upcoming year and asked if the Commission wanted to add any additional meetings. She also gave an overview of the

two included reports regarding deadlines and subcommittee updates.

Chair Engdahl asked about adding special meetings.

After some discussion the Commission decided to add additional meetings, including one focused on the police commission and the other items that were tabled.

Commissioner Russell proposed a motion, seconded by Commissioner Rudenauer, to schedule a special meeting on January 14, 2021 for discussion on the police commission proposal and the items tabled from the December 17, 2020 meeting. Motion carried by a vote of 7-0.

Staff Liaison Matthews reminded the Commissioners to review the attached reports.

COMMISSIONER COMMUNICATION

Commissioner Tomkins asked if anyone from the Commission was going to attend the special City Council meeting on January 4, 2021 to speak on behalf of the Commission.

Staff Liaison Matthews said she would have to check the rules about Commissioner comments for the January 4 meeting.

Commissioners Russell and Tomkins said they were going to be there.

Chair Engdahl said it would be good to have some members of the redistricting subcommittee there in case Council had any questions. He asked if Deputy City Attorney Priest was planning on attending.

Deputy City Attorney Priest said that City Attorney Sonia Carvalho usually attends Council meetings and that he would discuss the wishes of the Commission with her.

STAFF COMMUNICATION

Staff Liaison Matthews indicated she did not have any additional items to discuss.

ADJOURNMENT

A motion was made by Commissioner Rudenauer, seconded by Commissioner Russell, to adjourn the Charter Review Commission meeting at 9:02 pm to the next Special meeting on January 14, 2021 at 6 p.m.

Respectfully submitted,

ATTEST:

ALISON GLYNN

Office of the City Clerk/Commission
Secretary to the Pomona Charter
Review Commission

DEREK ENGDAHL

Chair of the Pomona Charter Review
Commission

ATTACHMENT TO MINUTES**Comments Submitted by Email**

Suggested language submitted by Joyce M. Bakersmith

Revisions to Preamble

We the people of the City of Pomona, under the Constitution of the United Sates, and laws of the State of California, do hereby adopt this Charter to embrace ensure our right to local self-government and to provide an honest, transparent, equitable and accountable government with powers and restrictions per the procedures and governmental structure stated herein. Through this Charter, we hope to affirm the values of a representative democracy, and with open communication, and citizen participation in all aspects of our community City compassion for all living things, respect for the environment, historical preservation for the area's rich architectural and diverse cultural heritage, economic leadership in the region, and ensuring equality and inclusiveness for all. of our residents.