



# City of Pomona

505 S. Garey Ave  
Pomona, CA 91766

## Special Meeting Minutes

### City Council / Housing Authority / Successor Agency to the Redevelopment Agency

*Mayor Tim Sandoval  
Councilmember John Nolte  
Councilmember Victor Preciado  
Councilmember Mayor Nora Garcia  
Councilmember Elizabeth Ontiveros-Cole  
Vice Mayor Steve Lustro  
Councilmember Robert S. Torres*

#### **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.*

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Monday, April 26, 2021

5:00 PM

Teleconference via Zoom

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**5:00 P.M. Teleconference via Zoom, closed to the public**

#### **CALL TO ORDER**

Mayor Sandoval called the City Council Meeting to order at 5:02 p.m.

#### **PLEDGE OF ALLEGIANCE**

Councilmember Preciado led the Pledge of Allegiance.

#### **ROLL CALL**

Present via Zoom: Mayor Tim Sandoval  
Councilmember John Nolte (arrived at 6:20 p.m.)  
Councilmember Victor Preciado  
Councilmember Nora Garcia  
Councilmember Elizabeth Ontiveros-Cole  
Vice Mayor Steve Lustro  
Councilmember Robert Torres

#### **STAFF PRESENT via Zoom**

Rosalia Butler, City Clerk  
James Makshanoff, City Manager  
John DePolis, IT Director  
Mark Gluba, Deputy City Manager

Sonia Carvalho, City Attorney  
Benita DeFrank, Neighborhood Services Director  
Linda Matthews, Human Resources Director  
Chris Diggs, Water Resources Director  
Rene Guerrero, Public Works Director  
Mike Ellis, Police Chief  
Christian Hsu, Deputy Police Chief

## **DISCUSSION**

### **1. Police Oversight Commission Task Force Update and Review of Recommendations**

It is recommended that the City Council receive and discuss the Police Oversight Commission Task Force update and recommendations and direct staff to prepare an ordinance creating a Police Oversight Commission based on the discussion draft of the ordinance.

Presentation given by Pastor Tamiko Chacon, Purpose Church, Pastor Ivory Brown, Brown Memorial Temple, and Eric Vasquez, Just Us 4 Youth.

Sonia Carvalho, City Attorney, gave an overview on the concept of a civilian police oversight commission and her process on developing an ordinance to establish such a commission. She presented different models for civilian oversight commissions- investigative model, commenter model and auditor/monitor model. She presented the basics of the proposed ordinance to the council. She also reviewed SB1421 with the council so show the types of incidents that could be subject to review by an oversight commission.

## **PUBLIC PARTICIPATION**

\*Public Participation took place after the Discussion Calendar by the Mayor's request.

*Public Participation - In response to the global COVID 19 pandemic and in accordance with California Governor's Executive Order N 25 20 regarding the Brown Act and guidance from the California Department of Public Health on gatherings, please note that comments for the specific Discussion item on the agenda were accepted by email and also were accepted live during the meeting via the chat feature on Zoom or voice. Comments received electronically via email were read into the record by the City Clerk.*

**\*\*PLEASE SEE ATTACHMENT FOR FOUR (4) EMAIL COMMENTS READ DURING PUBLIC PARTICIPATION.**

**Live comments were as follows:**

Miranda Sheffield spoke about people affected by police brutality and specifically affected by the Pomona Police Department. She expressed that the commission should not have any police officers serve that have ever been involved in a use of force incident. She expressed that the public should have a say in who is appointed inspector general and that there should be a diversity requirement for the commission.

John Clifford spoke about the commission requirements for number of members needing to be in compliance with the charter. He spoke about the Charter Review Commission's work on this same issue and that he hopes a charter amendment can work in conjunction with this council driven ordinance.

Ron Kelley spoke about his involvement with the Mayor's task force and believes a lot more work needs to be done. He said he believes the investigative model should be used for this oversight commission. He said that we can't rely on the police to police themselves and this is essential for trust in the community. He said that transparency is important and an independent commission is needed for this.

Julian Lucas spoke on the need to remove police from the schools because it creates a jail environment. He spoke about the need for an inspector general as part of the commission.

Mike Suarez, POST member, spoke in support of the Charter Review Commission's version of the formation of a police oversight commission. He spoke about the Pomona Police Department not being held accountable for their actions. He spoke about the need for subpoena power as part of this commission which was overlooked by the Mayor's task force.

Nhi Clement spoke about her concern whether civilian oversight commissions would do any good in Pomona. She spoke about studies that civilians on these commissions are not qualified to judge police officer's actions and the investigations can be politically motivated calling into question whether such commissions are even useful. She suggested looking into other options to hold police accountable.

Jesus Sanchez spoke about the need for change in policing that will not come from a police oversight commission. He spoke about police in schools and read the testimony of a Garey High School student that was questioned by police at school without parents present. He urged council to look into the police role on school campuses.

Jacqueline Elizalde thanked the council for having this meeting and requested that whatever was decided regarding this issue was done with transparency.

Carlos Gomez thanked the council for addressing this issue. He expressed the need for transparency in the process. He spoke about the extremely difficult job the police have and the need for there to be better ways to monitor police activity and budget for the help

that police need. He advocated for community based policing to have additional citizen contact with the police in order to create a relationship with the police.

M. Joyce Bakersmith entered questions into the Q & A box that were read by the City Clerk. Has the Mayor's task force met with the Charter Commission? Why do we have a task force when the Charter Commission is working on this issue? Why is crime data being presented as something new?

The Mayor asked Chief Ellis to respond to comments and report on any new developments.

Chief Ellis thanked the task force for their work. He reported that the police department is conducting de-escalation training and implicit bias training in response to the task force report. He acknowledged that data on crime statistics does need to be improved and they are looking into record management systems that would allow for the transparency needed. He reported that they are currently implementing two diversion programs. He spoke about a transparency link on the police department's website that is being populated with data.

Chief Ellis answered questions from the council regarding the diversion programs.

City Attorney Carvalho answered questions from the council.

On the issue of subpoena powers, she spoke about other cities having the need for this power because of the difficulty in obtaining documents. She reported that in reality subpoena powers don't necessarily result in the investigative board getting any more information. She also advised that the council already has subpoena powers that they can designate.

On the issue of hiring an Inspector General, she stated that the council can provide direction on what process they desire. She recommended that the hiring of an inspector take place as soon as possible so that the person could help get the commission up and running and the community doesn't have to wait to get assistance from the commission.

On the issue of council adopted ordinance versus the Charter Review amendment for the 2022 ballot, she explained that any ordinance adopted by council would be superseded by a successful ballot measure. Changes can only be made by council on a council adopted ordinance. Any Charter amendment approved by the voters can only be changed by the voters.

On the issue of the number of members, she stated that she was following the number that the task force advised which was a five member commission and this was not her office's recommendation. She apologized for the error of not following the Charter which requires commissions to have seven members and stated the ordinance language can be changed before it is brought before the council for adoption.

Councilmembers thanked the task force, made comments about this item and asked questions regarding this item.

The Mayor recommended that the individuals selected for this commission go through a training process in order for them to be most effective. On the issue of subpoena powers, the Mayor clarified that the commission would be able to ask for any documents needed from the Police Chief or the City Manager and if necessary the council could compel that those documents are produced. The Mayor asked that the ordinance be written with seven members instead of five per the City Charter.

The Mayor asked that this ordinance come before the council for first reading at the first meeting in May. He advised the report from the task force presented tonight would be available on the City's website.

Charter Review Commission Chair Derek Engdahl was asked by the Mayor to comment on why the Charter Review Commission is discussing having only five members as part of the police commission charter amendment. Chair Engdahl advised that at the May 3 council meeting the charter review amendments would be on the agenda for council discussion and the differences between their proposed police commission charter amendment and the city ordinance to add a police commission being discussed at this current meeting would be addressed. He stated the reason for the five member proposal was to have more of a consensus by the council on who was appointed and make the commission less politicized. Charter Review Commissioner Eunice Russell stated in addition to that, this commission appointment could not be given as a political prize by a council member looking to reward a supporter. She spoke about the reasoning behind subpoena powers was intended to be in place in case a future police chief was not as willing to be transparent as the current Police Chief. Subpoena power would solidify the independence of the commission. She spoke on the desire to have an inspector general that would enforce all aspects of the Charter's elected and appointed officials and not just play a role in the police commission.

## **ADJOURNMENT**

The City Council meeting was adjourned at 7:13 p.m. on Monday, April 26, 2021.

Respectfully submitted,

ATTEST:

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ROSALIA A. BUTLER, MMC  
City Clerk/Secretary of the Pomona  
Housing Authority/Successor Agency to the  
to the Redevelopment Agency

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TIM SANDOVAL  
Mayor/Chair of the Pomona  
Housing Authority/Successor Agency  
Redevelopment Agency

**APRIL 26, 2021 SPECIAL CITY COUNCIL MEETING**  
**PUBLIC COMMENTS**

**DISCUSSION CALENDAR NO. 1 (Police Oversight Commission Task Force Update and Review of Recommendations)**

**JAMES SANBRANO** – The proposed ordinance appears to be a strategy to undercut the power and influence of the Charter Commission proposal submitted last week. The task force that created this proposal was stacked with police influence to limit oversight and reduce this commission to an advisory role. For example if they want documents they can REQUEST them from the police chief. There is no remedy if the chief refuses a request. There is no subpoena power. Pasadena, a charter city, just created a police commission by ordinance and it has subpoena power. The Charter commission proposal has subpoena power. Without subpoena power there is no meaningful oversight. The PEOPLE of Pomona and the nation want accountability in the wake of decades of no accountability and secrecy. This ordinance should be declared temporary and subject to being superseded by a Charter proposal which should be a stand alone ballot measure in November 2022. Remember that the county voted 71% in favor of Measure R, a Sheriffs oversight commission with subpoena power last year. Without accountability and transparency there is no trust. Police need the trust of the people to be effective in public safety.

**ANEL HERNANDEZ** – Good evening council,  
My name is Anel Hernandez and I've been a Pomona resident for +30 years. I am here today to stand in solidarity w my community and make a few demands. The first demand is an independent civilian oversight with subpoena powers and an inspector general. Putting a committee together without the input of the community, and without real subpoena power is **Performative politics**. We are all aware of the abuse of power Pomona PD+ the police force globally has shown me this could be the first of many steps in the correct direction. Second demand is to remove all Pomona PD from schools and eliminate PPD youth services. It is no secret that we need different types of support in our schools-like counselors, not grown policemen that are targeting our Black, and Brown youth. You have the power to help stop the school to prison pipeline. These are the kids you are supposed to care about, the kids we as a community, have a chance to protect and create better futures for. The last demand is a multi-agency investment in prearrest youth diversion programs, the city could start this by investing rescue plan funds. This country was literally built with a foundation of white supremacy+ racism and although we cannot undue what's been done you have the power to start building a better future. I mention this because of the link it has with the abuse of power the POMONA PD has shown. This is all connected and although we might not be able to change the world, we need to start with out loved Pomona. Lastly, mayor and city council members- I hope you find the courage to stand against what this country was built on. I hope you find the courage to stand up for the Black and Brown lives that are wrongly taken too soon.

**ELIZABETH EBINER** – Dear Pomona City Council members,

On Friday, April 16th, a homicide took place near our home. As helicopters circled and sirens wailed in response to the gun violence, our family huddled together and began praying for the victims, the perpetrators, our neighborhood, our City, and our police. Friday's horrific incident called to mind an incident in 2017, when a fugitive criminal jumped into our backyard. The police caught up to him and managed to arrest him before he committed further harm. Whether it's protecting our family, our street, or our City as a whole, the Pomona Police Department is a critical and beneficial presence. Its importance cannot be overstated. City Council Members: Please dedicate your time, energy and resources to eliminating the sources of Pomona's crime. And please reassure residents that you will support a Police Department whose mission is to preserve our lives and well-being.

**EVA BITRAN** – Dear Mayor Sandoval and members of the council,

I am a staff attorney with the ACLU of Southern California. I write regarding Discussion Item 1. As was recently made clear in Gente Organizada's report about the criminalization of Black and Latinx youth, the PPD needs large-scale change. While we applaud the Council for following the community's request that any civilian oversight body include an inspector general, we are worried that *this* commission would be a fig leaf enabling the same old harms. First, the body (1) lacks subpoena power, (2) cannot impose disciplinary on police officers, (3) operates only in a recommendation/advisory capacity, (4) has no say over the hiring of police personnel, and (5) is limited in its ability to timely review force incidents. Each of these is necessary to secure **\*meaningful\*** civilian oversight, and we urge the Council to incorporate them into any final ordinance. Second, by permitting former PPD officers to serve on the board, requiring appointment through the city council, and requiring that the inspector general have 10 years of experience investigating law enforcement, the commission as proposed is subject to capture by law enforcement rather than representative of the community. Finally, following Gente Organizada's report, the community has made demands including removing PPD from schools and reducing the police budget. We stand with them in saying this commission is not an answer to those demands.

**JOSE CALDERON** – As president of the Latino and Latina Roundtable, I object to any attempt to bypass the Charter Commission proposal in regards to the establishment of a Police Oversight Commission. As I have often stated in past meetings with the Mayor and Pomona city council on this subject, the best police oversight commissions nationally have primarily been made up of community people and have had resources. Further, they have had accountability and subpoena power. We have only to look at Pasadena (also a charter city) which created a police oversight commission but ensured that it has subpoena power. As related in the article below, Oakland developed a similar civilian-run oversight commission but with "the power to discipline officers and to fire the police chief." In the past, I have sent to the mayor a study, resources, and proposals by PolicyLink which follows with practices that work the best. I am sending it now to all the city council as part of, what this research advances, in implementing *the concept of community-centered policing to "help build mutual trust and respect, increase safety in communities, and minimize senseless killings and excessive use of force by police."* <http://www.policylink.org/resources-tools/tools/beyond-confrontation>

Please also visit the article *The New More Powerful Wave of Civilian Oversight of Police Governing: the Future of States and Localities* (press "continue to site" after clicking on this link: <http://www.governing.com/topics/public-justice-safety/gov-police-civilian-oversight-oakland-seattle.html>): The article relates that "In Oakland, Calif., police will soon answer to civilians newly entrusted with the power to discipline officers and fire the chief. Last November, the city's residents voted to create a civilian-run commission with a level of authority over law enforcement that is rare in this country.

***Note: This emailed comment was submitted late to be read into the record during the Special Meeting, however this emailed comment will be added to the record when minutes for this meeting are completed.***