

**AN AMENDMENT TO THE CITY CHARTER OF THE CITY OF POMONA  
ESTABLISHING LOCAL DIRECT PRIMARY ELECTIONS FOR MAYOR AND CITY  
COUNCIL**

**“Article IX. – Elections**

**Section 901. - Primary and General Municipal Elections.**

(a) Beginning in the year 2024, direct primary elections for the nomination of Mayoral and Council candidates to be voted for at the ensuing general municipal election and for such other purposes as the council may prescribe shall be held in the City on the same date as the Statewide Primary Election as provided in the Elections Code of the State of California.

(b) If any candidate for Mayor or Council receives a majority of all votes cast for Mayor or for a specific Council office, that candidate shall be declared elected and no general municipal election shall be held for that office. If no candidate for Mayor or for a specific City Council office receives a majority of all votes cast for that office, the two candidates receiving the highest number of votes for that office at the primary nominating election shall be the candidates and the only candidates for that office whose names shall be printed upon the ballots to be used at the general municipal election.

(c) General municipal elections for the election of Mayor and Councilmembers and for such other purposes as the council may prescribe shall be held in the City on the same date as the Statewide General Election as provided in the Elections Code of the State of California (first Tuesday after the first Monday in November in each even-numbered year).

**Section 902. - Special Municipal Elections.**

All other municipal elections besides those identified in Section 901 that may be held by authority of this Charter, or of any law, shall be known as special municipal elections.

**Section 903. - Procedure for Holding Elections.**

Unless otherwise provided by ordinance, all elections shall be held in accordance with the provisions of the Elections Code of the State of California, as the same now exist or hereafter may be amended, for the holding of municipal elections, so far as the same are not in conflict with this Charter.

**Section 904. - Initiative, Referendum and Recall.**

The powers of the initiative and referendum and of the recall of elected City officers are hereby reserved to the electors of the City. The provisions of the Elections Code of the State of California, as the same now exist or may hereafter be amended or superseded, governing the exercise of the powers of initiative and referendum in cities, and governing the exercise of the power of recall of municipal officers, shall apply to the exercise of those powers in the City insofar as such provisions are not in conflict with the provisions of this Charter.”

**AN AMEDEMMENT TO THE CITY CHARTER OF THE CITY OF POMONA  
ESTABLISHING A THREE CONSECUTIVE TERM LIIMT ON ELECTED CITY  
SERVICE**

Add the following new Section:

**“Section 401.5 – Mayoral and City Council Term Limits.**

- (a) No person may serve more than a combined total of three (3) consecutive terms of elective office for the City of Pomona, whether as Mayor or as a member of the Pomona City Council. The City Clerk, or other election official authorized by law, shall not accept or verify the signatures on any nomination paper for any person, including any paper for the purpose of seeking election as a write-in candidate, nor shall he or she certify or place on the list of certified candidates, nor print or cause to be printed on any ballot, ballot pamphlet, sample ballot, voter information guide or ballot label, the name of any person whose candidacy, if successful, will result in a new Mayoral or City Council term that exceeds the limits set forth herein.
- (b) For purposes of this Section, “term” shall mean the following:
  - (1) Any full four-year term of service for which a person was nominated, including as a write-in candidate, and to which he or she was elected to office at any Municipal Primary or General Election, occurring on or after November 8, 2022, and which was completely served by the person until the term’s scheduled expiration;
  - (2) Any full four-year term of service to which a person was appointed by the City Council in lieu of a Municipal Election, pursuant to California Elections Code Section 10229 or similar law, occurring on or after November 8, 2022, and which was completely served by the person until the term’s scheduled expiration;
  - (3) Any full four-year term of service described in paragraphs (1) and (2) above, which was not completely served by the person, but which terminated prior to the scheduled expiration of the term due to any of the following:
    - (A) The officer’s seat is lawfully declared vacant during that term for any reason other than resignation;
    - (B) The officer is lawfully recalled from office by the voters during that term;

(C) The officer has legally forfeited his or her elected office under applicable Federal or State law during that term; or

(D) If the officer vacates his or her office due to resignation:

(i) If the resignation occurs with more than two (2) years remaining in his or her current term, this shall not count as a “term” against the three-term limit.

(ii) If the resignation occurs with two (2) years or less remaining in his or her current term, this shall count as a “term” against the three-term limit.

(c) For purposes of this Section, “term” shall not mean any of the following:

(1) Any full four-year term of service for which a person was nominated, including as a write-in candidate, and to which he or she was elected to office at any Municipal Primary or General Election, occurring prior to November 8, 2022; or

(2) Any full four-year term of service to which a person was appointed by the City Council in lieu of a Municipal Election, pursuant to California Elections Code Section 10229 or any similar law, occurring prior to November 8, 2022; or

(3) Any partial term to which a person has been specially elected or appointed to the office of Mayor or City Council to fill a mid-term vacancy, pursuant to City Charter Section 403.

(4) Any two-year “short term” of service to which a person was elected to office at any Municipal Primary or General Election or appointed to a two-year “short term” by the City Council in lieu of such a Municipal Election, pursuant to California Elections Code Section 10229 or any similar law, in order to effect the election resequencing/transitional rules set forth in Section 401(e) of this Charter.

(d) No person who has already served a combined total of three (3) consecutive terms of elective office for the City of Pomona, whether as Mayor or as a member of the City Council, shall again be eligible for election to either office until not less than four (4) years have passed or will have passed between his or her prior service and new service as Mayor or as a member of the City Council.

(e) Notwithstanding subsection paragraph (c)(3) above, no person who has already served a combined total of three (3) consecutive terms of

elective office for the City of Pomona, whether as Mayor or as a member of the City Council, may be appointed to serve as Mayor or on the City Council, whether said appointment is in lieu of a Municipal Election, pursuant to California Elections Code Section 10229, or to fill a vacancy on the City Council pursuant to City Charter Section 403, until not less than four (4) years have passed or will have passed between his or her prior service and new service as Mayor or as a member of the City Council.

- (f) Notwithstanding paragraph (c)(3) above, no person who has already served a combined total of three (3) consecutive terms of elective office for the City of Pomona, whether as Mayor or as a member of the City Council, may run for special election to fill a vacancy in the office of Mayor or the City Council pursuant to City Charter Section 403, until not less than four (4) years have passed or will have passed between his or her prior service and new service as Mayor or as a member of the City Council.”

## AN AMENDMENT TO THE CITY CHARTER OF THE CITY OF POMONA ESTABLISHING AN INDEPENDENT REDISTRICTING COMMISSION

### “ARTICLE II – Boundaries of City and Council Districts.

#### SECTION 201. - City Boundaries.

The boundaries of the City shall be the boundaries as established at the time this Charter takes effect, but said boundaries may be changed in the manner prescribed by applicable Federal and State law.

#### SECTION 202. - Council Districts.

The City is hereby divided into six (6) Council districts, to be defined by the City Council as set forth in this Article.

#### SECTION 203. - Changes in Boundaries of Council Districts – Pomona Independent Redistricting Commission Established.

~~The boundaries of said Council districts, but not the number thereof, may be changed by ordinance adopted by the Council by a five-sevenths (5/7) vote of all its members; provided, that districts established by the Council shall be as nearly equal in population and as compact as practical. Boundaries shall be evaluated within at least one (1) year subsequent to the availability of the information from each decennial United States census or on another basis adopted by five-sevenths (5/7) vote of the total membership of the Council; however, the Council shall not change the boundaries of districts more than once in any two-year period and no such change shall be made within the period of one hundred twenty (120) days preceding a general municipal election. The preceding limitations shall not apply to changes made necessary by changes to the City boundaries. After the Council has once exercised its power to change the boundaries of districts, these changes shall immediately be reflected in the district boundaries specified by ordinance adopted by the Council.~~

(a) The exclusive authority to redraw Council district boundaries is vested in the Pomona Independent Redistricting Commission.

(b) The Commission shall:

- (1) Be independent of Mayor and City Council control;
- (2) Conduct an open and transparent process enabling full public consideration of and comment on the drawing of Council district boundaries;
- (3) Comply with the provisions in this article; and
- (4) Conduct itself with integrity and fairness.

(c) The Commission may:

- (1) Adopt for itself rules of procedure not in conflict with this article; and

**AN AMENDMENT TO THE CITY CHARTER OF THE CITY OF POMONA ESTABLISHING AN  
INDEPENDENT REDISTRICTING COMMISSION**

- (2) Adopt rules and regulations for the interpretation and implementation of this article.

**Section 204 – Power and Duty of Commission to Adopt Council District Boundary Map.**

(a) Within one year of census-block-level population data from a regular United States decennial census being made available to the public the Commission shall adopt a final map establishing new Council district boundaries and a final report explaining its decision. The final map shall include a precise map and written description of the boundaries of each Council district, as well as the future sequencing of Council elections to implement the final map. In the final report, the Commission shall explain the rationale for the Council district boundaries, including, at a minimum, an explanation of how the final map complies with the redistricting requirements and criteria in Section 208 of this article and a reasonable justification for any Council district boundary that does not comply with any redistricting criterion.

(b) A Commission-adopted final map has the force and effect of law and is effective immediately upon adoption, unless on the date of adoption there are less than one hundred eighty (180) days until the next City election, in which case the final map shall not go into effect until after that election and after any applicable run-off election following that election.

(c) If the Commission does not adopt a final map by the deadline in subsection (a), the City Attorney shall petition the Superior Court for an order prescribing new Council district boundaries in accordance with the redistricting criteria and requirements set forth in Section 208 and Elections Code section 21629.

(d) The Commission shall review and, if required by law, redraw Council district boundaries once per decade as provided in subsection (a), unless the commission is reconvened by a vote of two-thirds of the City Council to address significant population changes, legal challenges, or other issues, or is ordered to do so by a court.

(e) Any territory that is annexed, consolidated, or otherwise attached to the City shall be allocated to a Council district pursuant to this subsection, effective upon the completion of such annexation, consolidation, or other proceedings. The City Clerk shall update the final map accordingly.

(1) If the territory's boundary is contiguous to the boundary of not more than one Council district, the territory shall be allocated to that Council district.

(2) If the territory's boundary is contiguous to the boundaries of two or more Council districts, the territory shall be allocated to the Council district with which it shares the longest boundary.

(3) If the territory's boundary is not contiguous with the boundary of any Council district, the territory shall be allocated to the closest Council

**AN AMENDMENT TO THE CITY CHARTER OF THE CITY OF POMONA ESTABLISHING AN  
INDEPENDENT REDISTRICTING COMMISSION**

district.

**Section 205 – COMMISSION ORGANIZATION.**

(a) The commission shall consist of 6 commissioners and 6 alternates. Alternates may fully participate in commission deliberations but may not vote and may not be counted towards the establishment of a quorum. Alternates are subject to the same terms of office, qualifications, restrictions, and standards of conduct as other commissioners under this article. Members of the commission, including alternates, shall serve without compensation.

(b) The term of office of each commissioner begins on or about February 1 of each year ending in one and expires on the same date of the next year ending in one. Sixty (60) days after a final map has been adopted, the Commission shall cease to meet, unless reconvened by order of a court of competent jurisdiction, or by the City Attorney to consider settlement options if the final map is legally challenged or by the City Council as provided by Section 204(d) above.

(c) Four (4) commissioners constitute a quorum. The removal of a commissioner or alternate pursuant to Section 207(g); the approval of additional redistricting criteria; and the approval of a proposed final map, final map, and final report require the affirmative votes of four (4) commissioners. All other Commission actions require the affirmative vote of a majority of commissioners present.

(d) At its first meeting, the Commission shall select one commissioner to serve as Chair and one to serve as Vice Chair. The commission may designate other officers from its membership, and may establish subcommittees.

**Section 206 – COMMISSIONER QUALIFICATIONS, REQUIREMENTS AND POST-SERVICE RESTRICTIONS.**

(a) Each commissioner must be a registered voter of the City and must either:

(1) Have voted in a City election immediately preceding his or her application to be on the commission; or

(2) Have been a resident of the City for at least two (2) years immediately preceding his or her application to be on the commission.

(b) The persons identified in California Elections Code Section 23000(c) and (d) or successor statute, are not eligible to be a commissioner.

(c) Commissioners appointed under this article shall not engage in any of the activities identified in California Elections Code Section 23000(e), or successor statute.

(d) If a redistricting commissioner is currently serving on another City board or

**AN AMENDMENT TO THE CITY CHARTER OF THE CITY OF POMONA ESTABLISHING AN  
INDEPENDENT REDISTRICTING COMMISSION**

commission, he or she must resign from that board or commission before commencing service with the redistricting commission.

**Section 207 – COMMISSIONER SELECTION AND REMOVAL.**

(a) The City Clerk shall initiate and publicize the application process to serve on the Commission. Applicants shall attest on the application, under penalty of perjury, that the information provided in the application is true.

(b) The City Clerk shall, on or about October 1 in each year ending in the number zero, initiate and widely publicize an application process, open to all City registered voters who meet the requirements of Section 206, in a manner that promotes a qualified commissioner applicant pool that is large and reflective of the diversity of the City. This process shall remain open a minimum of 60 calendar days.

(c) On or about December 15 of each year ending in the number zero, the City Clerk shall forward any applications received to a screening panel. For purposes of this section, “screening panel” means:

(1) The City’s Ethics Commission, if that Commission is established by ordinance or under this Charter; or

(2) If an ethics commission matching the description in paragraph (1) does not exist, a panel of three individuals consisting of the following:

(A) one (1) retired judge in good standing who previously served in a California State Court or Federal Court located in California. The retired judge need not be a resident or registered voter of Pomona. The retired judge shall serve as Chair of the screening panel;

(B) one (1) law, government, political science or public policy professor currently teaching full time or retired from teaching full time at an accredited college or university in California. The professor need not be a resident or registered voter of Pomona; and

(C) one (1) Pomona resident with demonstrated experience in local civic activism and/or community service.

The screening panelists shall be selected by the City Attorney and the City Clerk, based upon the qualifications and experience of each applicant panelist, from a pool of qualified applicants by no later than December 1 of each year ending in the number zero. Panelists shall meet the same qualifications required of commissioners in Section 206, except that the retired judge and professor need not be a resident or registered voter of the City. The City Attorney and City Clerk shall recruit a pool of applicants to serve on the screening panel and the applicants shall be reviewed by City staff beforehand to ensure they meet the qualifications herein.



**AN AMENDMENT TO THE CITY CHARTER OF THE CITY OF POMONA ESTABLISHING AN  
INDEPENDENT REDISTRICTING COMMISSION**

(d) From the eligible commissioner applicant pool, the screening panel shall, no later than February 1 in each year ending in the number one, select six (6) commissioners – one from each Council district to the extent practicable - and these six (6) individuals shall serve as the commission. The screening panel, exercising its independent judgment, shall make these selections, by majority vote, at a publicly noticed meeting after the public has had the opportunity to provide written and oral comment. The screening panel may ask additional questions of commissioner applicants at that meeting. The screening panel shall make each selection on the basis of the applicant's meeting the requirements of Section 206, relevant analytical skills, familiarity with the city's neighborhoods and communities, ability to be impartial, and apparent ability to work cooperatively with other potential commissioners. The commission members should reasonably reflect the City's diversity; provided that, other than the requirement of geographic diversity in this section, no quotas, formulas, or ratios may be applied for this purpose. The commission shall not be comprised entirely of commissioners who are registered to vote with the same political party preference.

(e) At the same public meeting as commissioners are selected, the screening panel shall also select six (6) alternates from the remaining applicants to serve on the commission in the event of a vacancy. Each selection requires a majority vote of the screening panel. Using the selection criteria set forth in subsection (d) above, the screening panel shall rank the six (6) alternates in order of preference to replace a commissioner in the event of a vacancy, provided that alternates need not be selected one from each Council district.

(f) The commission shall be fully established on or about February 1 in each year ending in the number one. To meet this deadline, the City Clerk may establish other deadlines for the commissioner application and selection process described in this section.

(g) The commission may remove a commissioner for substantial neglect of duty, gross misconduct in office, or inability to discharge the duties of office, but only after providing the subject commissioner written notice and an opportunity for a response at a public meeting.

(h) If a commissioner resigns or is removed from the commission, an alternate shall replace that commissioner as follows:

(1) If only one alternate represents the Council district of the resigning or removed commissioner, that alternate shall fill the vacancy as a voting commissioner, regardless of how he or she was ranked by the screening panel;

(2) If more than one alternate represents the Council district of the resigning or removed commissioner, the alternate representing that district with the highest screening panel ranking shall fill the vacancy as a voting commissioner; or

(3) If none of the alternates represents the Council district of the resigning or removed commissioner, the alternate with the highest screening panel ranking shall

**AN AMENDMENT TO THE CITY CHARTER OF THE CITY OF POMONA ESTABLISHING AN  
INDEPENDENT REDISTRICTING COMMISSION**

fill the vacancy as a voting commissioner.

(i) For purposes of this section, “diversity” includes, but is not limited to, racial, ethnic, gender, and sexual orientation diversity.

**Section 208 – REDISTRICTING REQUIREMENTS AND CRITERIA.**

(a) The Commission shall draw its final map so that:

- (1) Council districts are substantially equal in population as required by the U.S. Constitution, as based on the total population of residents of the City as determined pursuant to California Elections Code section 21621, or successor statute; and
- (2) The final map complies with the U.S. Constitution; the Federal Voting Rights Act, the California Constitution; and any other requirement of federal or state law applicable to charter cities.

(b) In addition to following the requirements of subsection (a), the Commission shall consider the following criteria when drawing the final map, in order of priority:

- (1) To the extent practicable, council districts shall be geographically contiguous. Areas that meet only at the points of adjoining corners are not contiguous. Areas that are separated by water and not connected by a bridge, tunnel, or regular ferry service are not contiguous;
- (2) To the extent practicable, the geographic integrity of any local neighborhood or local community of interest shall be respected in a manner that minimizes its division. A “community of interest” is a population that shares common social, cultural or economic interests that should be included within a single district for purposes of its effective and fair representation. Communities of interest do not include relationships with political parties, incumbents, or political candidates;
- (3) Council district boundaries should be easily identifiable and understandable by residents. To the extent practicable, council districts shall be bounded by natural and artificial barriers, by streets, or by the boundaries of the city;
- (4) To the extent practicable, and where it does not conflict with the preceding criteria, council districts shall be drawn to encourage geographical compactness in a manner that nearby areas of population are not bypassed in favor of more distant populations;
- (5) Geography and topography – Districts should respect major topographic and geographic features of the City;
- (6) All district lines should correspond to census blocks in order to preserve

**AN AMENDMENT TO THE CITY CHARTER OF THE CITY OF POMONA ESTABLISHING AN  
INDEPENDENT REDISTRICTING COMMISSION**

the validity of data and avoid arbitrary boundaries; and

(7) District numbering and election sequencing should remain constant for as many voters as possible.

(8) Other Commission-adopted criteria that do not conflict with the other requirements and criteria listed in this section.

(c) Council district boundaries shall not be drawn for the purpose of favoring or discriminating against a political party.

(d) The Commission shall number each Council district such that, for as many residents as practicable, the number of the Council district they reside in remains the same.

(e) The Commission shall not consider place of residence of any individual, including any incumbent or political candidate, in the creation of a map.

(f) This Section 208 constitutes the comprehensive and exclusive criteria by which the commission shall evaluate and approve Council district maps under this article.

**Section 209 – PUBLIC MEETINGS, PUBLIC COMMENT AND REDISTRICTING MAP APPROVAL.**

(a) The commission shall establish and implement an open meeting process for public input and deliberation that is promoted through an outreach program to solicit broad public participation in the redistricting process. Except as set forth herein, the Commission shall comply with the Ralph M. Brown Act and all other applicable State and City requirements for open meetings.

(b) On or about March 1 in each year ending in the number one, the services of a duly certified demographer/redistricting consultant shall be retained through standard City procurement processes. The demographer/consultant shall review and analyze the City's population data contained in the most recent United States decennial census and shall prepare one or more draft electoral district maps for the Commission's consideration which are in compliance with applicable Federal and State law for the drawing of such maps.

(c) Prior to adopting a final map, the Commission shall hold those public hearings, provide notice of such hearings, and solicit, record, and publicize public comment from those hearings in accordance with California Elections Code 21628 or successor statute. At least one public hearing shall be a joint public hearing with the City Council as set forth in subsection (d) below.

(d) A final map may not be adopted by the commission unless and until:

(1) a proposed final map with substantially similar Council district boundaries

**AN AMENDMENT TO THE CITY CHARTER OF THE CITY OF POMONA ESTABLISHING AN  
INDEPENDENT REDISTRICTING COMMISSION**

has been adopted at least seven days earlier at a prior public hearing;

(2) a proposed final map has been published on the City's Internet website for at least seven (7) days and made available to the public for at least seven (7) days prior to final adoption; provided that if there are fewer than 28 days until the City's deadline to adopt a map, the proposed final map may instead be published on the City's Internet website for at least three (3) days; and

(3) The commission has held at least one joint public hearing with the City Council, at which- time it shall submit the proposed final map to the City Council for its consideration. The joint public hearing may be included as part of the fourth required public hearing set forth in subsection (c).

(A) The City Council may not alter the proposed final map submitted to it by the commission, but shall either approve or disapprove the proposed final map in its entirety.

(B) If the Council approves the proposed final map, it shall become the final map of the City and shall be implemented upon final vote of the commission.

(C) If the City Council disapproves the proposed final map, the City Council shall outline the reasons for such disapproval, including any deviations from the criteria for redistricting set forth in this article. The commission shall consider any reasons for such disapproval submitted to it by the City Council and may consider alterations to the proposed final map in response to such reasons. After such consideration, the commission may adopt a final map adopting such alterations, adopting such alterations with amendments, or rejecting such alterations. However, if the Commission, in response to City Council comments, proposes to substantially alter the proposed final map, it shall conduct another public hearing to consider the altered final map and shall publish the altered final map as required by paragraphs (d)(1) and (2) above prior to taking final action on the altered final map. Once the commission approves the final map, it shall become the final map of the City and shall be implemented.

(e) The City shall establish and maintain an Internet web page as required by California Elections Code 21628(g) or successor statute.

**Section 210 – ADMINISTRATION.**

(a) The City Council shall appropriate sufficient funds to recruit commissioners, hire a demographer, meet the operational needs of the commission, and conduct any outreach program to solicit broad public participation in the redistricting process.

**AN AMENDMENT TO THE CITY CHARTER OF THE CITY OF POMONA ESTABLISHING AN  
INDEPENDENT REDISTRICTING COMMISSION**

(b) Within sixty (60) days after the adoption of a final map, the commission shall transmit a report to the Mayor and City Council recommending any changes, including amendments to this article that could improve the redistricting process in future years. The City Council may, by two-thirds vote, adopt an ordinance changing the time limits and deadlines imposed by this article that are specifically recommended by the commission.

**AMENDMENT TO THE CITY CHARTER OF THE CITY OF POMONA  
ADDING A POLICE OVERSIGHT COMMISSION  
DRAFT 6/10/2021**

Article VIII. Appointive Boards and Commissions

Sec. 807.- Police Oversight Commission

(a) There hereby is established the Pomona Police Oversight Commission (hereinafter, Commission), which is established to increase the accountability and public confidence in the Pomona Police Department and the police complaint process and provide a forum for community conversations about the operation and review of law enforcement activities.

(b) The Commission shall have the following functions and duties:

1. Advise the Mayor, City Council, City Manager and/or Police Chief on all police and law enforcement community relations issues.
2. Conduct public outreach to educate the community on the purpose of the Commission and to hear from the community with respect to policing.
3. Review information and statistics regarding police complaints, policies and practices and advise the Pomona Police Department in matters pertaining to police policies and practices.
4. Receive community complaints and concerns and refer them to the City Manager, Police Department, and/or an independent auditor, investigator or inspector general for review and response.
5. Authorize the use of an independent auditor, investigator, or inspector general, review and/or investigate incidents arising out of or in connection with the actions of sworn personnel of the Pomona Police Department, including the death of any individual arising from the use of force or actions of sworn police personnel, complaints of use of force against a minor and other incidents involving sworn personnel of the Pomona Police Department as determined by a majority of the Commission's membership.
6. Discuss results of reviews and investigations and share such results in public meetings to the extent legally permissible under State and Federal law.
7. Following a review and/or investigation, make findings and recommendations to the City Manager and Police Chief related to allegations of misconduct.
8. Submit findings and recommendations to the Police Chief and City Manager who shall consider them when making disciplinary determinations, provided that the Commission makes such findings and recommendations and submits them to the Police Chief and City Manager prior to disciplinary action being taken.
9. Prepare and submit an annual report to the City Council on Commission activities and recommendations.

**AMENDMENT TO THE CITY CHARTER OF THE CITY OF POMONA  
ADDING A POLICE OVERSIGHT COMMISSION  
DRAFT 6/10/2021**

10. Perform other duties and exercise other powers as may be prescribed by this Charter or by Ordinance or Resolution of the City Council as more particularly set forth in subsection (f).

(c) Notwithstanding Section 801 of this Charter, the Commission shall be comprised of five members appointed by a majority vote of the City Council. Each Commissioner shall serve four years and may be reappointed by a majority vote of the City Council except that the initial terms for two of the members, as determined by the City Council, shall be two years to ensure continuity. Mid-term vacancies shall be filled by a majority vote of the City Council. The Commission shall be made up exclusively of Pomona residents who have the ability to be fair and impartial, reflect the diversity of the community and possess other additional qualifications as determined by the City Council. The City Council shall promptly remove a Commissioner for violations of confidentiality, refusal to complete any required training or other violations as determined by the City Council. No person who currently serves or has served as police personnel may serve on the Commission within five (5) years of the day of their last date of employment.

(d) City Departments shall cooperate, provide relevant documents, and render all necessary and reasonable assistance to the Commission in support of the duties specified herein. The Commission may issue subpoenas to require the attendance of witnesses, including persons employed by the City of Pomona, and the production of documents and records pertinent to the investigation and to administer oaths to such witnesses and to take testimony to the extent permissible by law.

(e) The City Council shall provide funding, staffing, training, and resources to ensure the Commission can successfully perform its duties and exercise its powers. Any independent auditor, investigator or inspector general retained or hired to assist the Commission shall be selected by the City Council or City Manager, subject to approval of the Commission, by a majority vote of the membership of the Commission.

(f) The Commission may make recommendations to the City Council for enacting legislation or regulations that will further the goals and purposes of this section. The City Council may, on its own motion, enact legislation or regulations that will further the goals and purposes of this section, but shall not adopt such legislation or regulations that reduce the duties or powers of the Commission or which otherwise conflict with this section. Legislation or regulations proposed by the Council shall be submitted to the Commission for review and comment. The Commission shall have sixty (60) days to submit its comments to the City Council, such time to be extended only by consent of the City Council. The City Council shall consider the Commission comments prior to enacting any legislation or regulations.



**AN AMENDMENT TO THE CITY CHARTER OF THE CITY OF POMONA LOCAL  
ELIGIBILITY RULES TO RUN FOR MAYOR AND CITY COUNCIL AND ESTABLISHING A  
“RESIGN-TO-RUN” RULE FOR CERTAIN CITY COUNCILMEMBERS SEEKING THE  
OFFICE OF MAYOR**

**“Section 402. - Eligibility.**

(a) Residency Requirement. To be eligible to hold the office of Mayor or other member of the City Council, a person must be a citizen of the United States, and must be a qualified elector of the City. Each member of the City Council, excluding the Mayor, must also be a resident of the City Council district from which the member ~~is nominated at the times the member~~ is nominated and elected. In the event ~~any~~ member of the City Council shall cease to be a resident of the district from which the member was nominated and elected ~~(or, in the case of an appointed~~ de member, a predecessor) was nominated he or she shall cease to be a resident of the district which the member was appointed to represent on the City Council, the office shall immediately become vacant and shall be filled in the same manner as herein provided for other vacancies.

(b) Change of District Boundaries. Notwithstanding subsection (a), ~~if~~ a member of the Council ceases to be a resident of the district from which the member ~~(or, in the case of an appointee, a predecessor)~~ was nominated and elected solely because of a change in the boundaries of ~~any~~ his or her district as provided in this Charter ~~provided~~, the member shall not lose office during that term by reason of such change.

(c) Resign to Run for Mayor.

(1) If any current City Council member, whether elected or appointed to that office, shall file nomination papers with the City Clerk to become a candidate for Mayor in either (i) the next municipal direct primary election, or (ii) the next general municipal election, if the City does not have a municipal direct primary election, and the new Mayoral term will begin before the City Council member's current elected or appointed term ends, that City Councilmember shall automatically resign his or her current City Council office, with deferred effect, as provided herein.

(2) A City Council member's automatic resignation under this section shall be irrevocable upon the filing of nomination papers to become a candidate for Mayor at the next municipal direct primary or general election, whichever is applicable. However, a Councilmember who automatically resigns may continue to serve on the City Council until the results of the next municipal general election have been certified by the City Council. The City Council member will then either be sworn into office as Mayor (if he or she won the Mayoral election) or shall immediately cease to be a member of the City Council (if he or she lost the Mayoral election or ceased running for that office prior to the election).

(3) Once a current City Council member subject to this section files nomination papers to become a candidate for Mayor at the next municipal direct primary or general election, whichever is applicable, his or her City Council office shall be immediately declared vacant by resignation and the City Council shall fill the City Council office by special municipal election. Notwithstanding any provision of Section 403 to the contrary, if the City has a local direct primary election, the special municipal election shall be held on the same date as the City's next scheduled general municipal election for City Council members. If the City does not have a municipal direct primary election, the special municipal election shall



**AN AMENDMENT TO THE CITY CHARTER OF THE CITY OF POMONA LOCAL  
ELIGIBILITY RULES TO RUN FOR MAYOR AND CITY COUNCIL AND ESTABLISHING A  
“RESIGN-TO-RUN” RULE FOR CERTAIN CITY COUNCILMEMBERS SEEKING THE  
OFFICE OF MAYOR**

be held on the next available date prescribed by this Charter and applicable provisions of the California Elections Code. Once the results of the special municipal election are certified by the City Council, the winning candidate shall assume office for the remainder of the current City Council term.

(4) This section shall not apply to any current City Council member who files nomination papers with the City Clerk to become a candidate for Mayor in a special municipal election to fill a vacancy in that office. A vacancy in the office of Mayor shall be filled as otherwise provided in this Charter.”

**AMENDMENT TO THE CITY CHARTER OF THE CITY OF POMONA TO CHANGE THE SEQUENCING OF CITY COUNCIL DISTRICT ELECTIONS AND PROVIDE TRANSITION RULES SO THAT, AS OF THE 2028 MUNICIPAL ELECTION, CANDIDATES FOR MAYOR AND COUNCILMEMBER FROM ELECTORAL DISTRICTS 1, 2 AND 3 WILL RUN FOR ELECTION IN 2028 AND EVERY FOUR YEARS THEREAFTER AND CANDIDATES FOR COUNCILMEMBER FROM ELECTORAL DISTRICTS 4, 5 AND 6 WILL RUN FOR ELECTION IN 2030 AND EVERY FOUR YEARS THEREAFTER.**

**ARTICLE IV. - Elective Officers**

**Sec. 401. - Mayor and Members of the Council.**

- (a) *Composition of Council.* The elective officers of the City shall constitute a Council, consisting of a Mayor and six (6) other members, elected at the times and in the manner provided in this Charter.
- (b) *Council Terms.* Except as provided in this Charter, the Mayor and the other members of the Council each shall serve for a term of four (4) years and until a successor qualifies. The elective term shall commence the first meeting in December on the second Monday in November of the year the member was elected or as soon as practical after election results are certified and the member is qualified to serve and is sworn into office.
- (c) *Mayor.* Candidates for the office of Mayor shall be nominated from the City at large and the Mayor shall be elected by a vote of the electors of the City at large.
- (d) *Other Members of the Council.* Each other member of the Council shall hold a separate office and one of such offices shall be assigned to each of the six (6) Council districts of the City. Candidates for each of these offices shall be nominated and elected by such district and shall be residents of such district.
- (e) *Council Elections Sequenced.* The Mayor and the members of the Council of the first, ~~fourth~~second and ~~sixth~~third Council districts shall be elected commencing in the year ~~2000~~2028 and in each fourth year thereafter. The members of the Council of the ~~second~~fourth, ~~third~~fifth and ~~fifth~~sixth Council districts shall be elected commencing in the year ~~2002~~2030, and in each fourth year thereafter. Notwithstanding subsection (b), the following transitional rules shall apply in order to implement the sequencing of future elections for City Councilmembers:
  - (1) 2024 Municipal Election: Districts 1, 4 and 6 shall be subject to election. The term of office for the Councilmember in District 1 shall be four years and shall expire in 2028. The term of office for each Councilmember in Districts 4 and 6 shall be two years and shall expire in 2026.
  - (2) 2026 Municipal Election: Districts 2, 3, 4, 5 and 6 shall be subject to election. The term of office for each Councilmember in Districts 2 and 3 shall be two years and shall expire in 2028. The term of office for each Councilmember in Districts 4, 5 and 6 shall be four years and shall expire in 2030.

**AN AMENDMENT TO THE CITY CHARTER OF THE CITY OF POMONA AMENDING THE  
CITY'S CAMPAIGN FINANCE AND CONFLICT OF INTEREST LAWS; RELATING TO  
CAMPAIGN CONTRIBUTION LIMITS, A VOLUNTARY EXPENDITURE CEILING, USE OF  
SURPLUS FUNDS, AND DISCLOSURE OF CERTAIN CAMPAIGN CONTRIBUTIONS PRIOR  
TO CASTING A VOTE**

**Article XIV. - Municipal Campaign Financing and Conflict of Interest**

**Sec. 1401. - Voluntary Expenditure Ceiling.**

- (a) Pursuant to California Government Code Section 85400~~(e)~~ ~~[Government Code § 85400(e)]~~ or its successor statutes, nominees for Mayoral or City Council Office may agree to be subject to the City's voluntary expenditure ceiling. The City hereby establishes a voluntary expenditure ceiling with the following limits, as applicable to the particular office and election: not to exceed, in the aggregate, twenty-five cents (\$0.25) per resident of the district, shall apply to each election in the district in which the candidate is seeking elective office.
- (1) For a City Council District primary or special election, no candidate or the candidate's controlled committee who voluntarily accepts the expenditure ceiling shall make campaign expenditures for that election, including the expenditure of loan proceeds, in excess of an amount equal to two percent (2%) of the limit applicable to candidates for the State Assembly for primary or special elections.
  - (2) For a City Council District general election, no candidate or the candidate's controlled committee who voluntarily accepts the expenditure ceiling shall make campaign expenditures for that election, including the expenditure of loan proceeds, in excess of an amount equal to two percent (2%) of the limit applicable to candidates for the State Assembly for general elections.
  - (3) For a Mayoral primary or special election, no candidate or the candidate's controlled committee who voluntarily accepts the expenditure ceiling shall make campaign expenditures for that election, including the expenditure of loan proceeds, in excess of an amount equal to seven percent (7%) of the limit applicable to candidates for the State Assembly for primary or special elections.
  - (4) For a Mayoral general election, no candidate or the candidate's controlled committee who voluntarily accepts the expenditure ceiling shall make campaign expenditures for that election, including the expenditure of loan proceeds, in excess of an amount equal to seven percent (7%) of the limit applicable to candidates for the State Assembly for general elections.
- (b) The City Clerk shall inform the candidates of the voluntary expenditure ceiling and shall make available to the public which candidates agreed to abide by the voluntary expenditure ceiling.
- (c) A candidate for Mayor or City Council who accepts the voluntary expenditure ceiling set forth herein may place a candidate's statement in the voter information guide, subject to any applicable costs for filing, translation and printing. Candidate's statements shall be prepared and submitted in accordance with timeframes and procedures set forth in the California Elections Code for local elective offices. However, notwithstanding any contrary provision of California Elections Code Section 13307, or of any successor

**AN AMENDMENT TO THE CITY CHARTER OF THE CITY OF POMONA AMENDING THE CITY'S CAMPAIGN FINANCE AND CONFLICT OF INTEREST LAWS; RELATING TO CAMPAIGN CONTRIBUTION LIMITS, A VOLUNTARY EXPENDITURE CEILING, USE OF SURPLUS FUNDS, AND DISCLOSURE OF CERTAIN CAMPAIGN CONTRIBUTIONS PRIOR TO CASTING A VOTE**

statute, after November 8, 2022, the City Clerk or County Elections Official may not include in the voter information guide a statement from a candidate for Mayor or City Council who has not voluntarily agreed to the expenditure ceiling set forth herein.

- (b) The twenty-five cents (\$0.25) per resident basis shall be increased by twenty-five percent (25%) of any increase subsequently permitted by California Government Code Section 85400(c) [Government Code § 85400(c)] or its successor statutes regarding voluntary expenditure ceilings for municipal candidates. Except as otherwise provided by this Charter or by City ordinance, the voluntary expenditure ceiling shall be governed by California Government Code Section 85400 et. seq. or successor statutes.

**Sec. 1402. - Use of Surplus Funds from Campaign for PublicCity Office.**

Unless otherwise provided by City ordinance, All funds that exceed election campaign expenses for publicCity office, ~~or including~~ the repayment of campaign loans, or which otherwise qualify as "surplus campaign funds" expense as specified in under California Government Code Sections 89519(a) and 85305(c) [Government Code §§ 89519(a) and 85305(c)] or any successor statutes, known as "surplus campaign funds" or "surplus funds," shall be turned over to the City's General Fund within ninety (90) days after withdrawal, defeat, or election to office shall be spent only for those purposes specified in that Section 89519.

**Sec. 1403. - ~~Conflict of Interest~~ Disclosure of Certain Contributions Prior to Casting Vote.**

A Councilmember shall not Prior to casting a vote on any contract, permit, or other matter requiring City Council approval ~~relating to any~~ where the applicant seeking approval is a person or business entity controlled by that person that has contributed more than two hundred fiftyfive hundred dollars (~~\$250~~500) within the previous twelve (12) months to all said a Councilmember's City election campaigns committees for the current term, the Mayor or Council member receiving such contribution(s) shall disclose on the public record the receipt of said contribution(s). The vote of any Councilmember violating the above shall be invalid.

**Sec. 1404. – Campaign Contribution Limits.**

- (a) A person shall not make to a candidate for Mayor, and a candidate for Mayor shall not accept from a person, a contribution totaling more than the amount set by California Government Code Section 85301(a), or successor statute, as that amount is adjusted by the Fair Political Practices Commission pursuant to California Government Code section 83124, or successor statute.
- (b) A person shall not make to a candidate for City Council, and a candidate for City Council shall not accept from a person, a contribution totaling more than fifty percent (50%) of

**AN AMENDMENT TO THE CITY CHARTER OF THE CITY OF POMONA AMENDING THE  
CITY'S CAMPAIGN FINANCE AND CONFLICT OF INTEREST LAWS; RELATING TO  
CAMPAIGN CONTRIBUTION LIMITS, A VOLUNTARY EXPENDITURE CEILING, USE OF  
SURPLUS FUNDS, AND DISCLOSURE OF CERTAIN CAMPAIGN CONTRIBUTIONS PRIOR  
TO CASTING A VOTE**

the amount set by California Government Code Section 85301(a), or successor statute,  
as that amount is adjusted by the Fair Political Practices Commission pursuant to  
California Government Code section 83124, or successor statute."