



City of Pomona

505 S. Garey Ave
Pomona, CA 91766

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 January 23, 2020

5:30 PM

City Council Closed Session Board Room

5:30 P.M. City Council Closed Session Board Room

CALL TO ORDER

Chair Engdahl called the Charter Review Commission Meeting to order at 5:30 p.m.

PLEDGE OF ALLEGIANCE

Chair Engdahl led the Pledge of Allegiance.

ROLL CALL

Present: Chair Derek Engdahl
Commission Member John Clifford
Commission Member Efrain Escobedo (arrived at 5:50)
Commission Member Edward Jimenez
Commission Member Dean Rudenauer (arrived at 5:40)
Commission Member Eunice Russell
Commission Member Ann Tomkins

Absent:

STAFF PRESENT

Linda Matthews, Human Resources/Risk Management Director (Staff Liaison Matthews)
William Priest, Deputy City Attorney
Rosalia Butler, City Clerk

APPROVAL OF MINUTES**1. Approval of Charter Review Commission Meeting Minutes – January 9, 2020**

Commissioner Tomkins asked for a few minor revisions to the minutes, including a conversation about section E-1 of the by-laws and a minor revision to page 4 of the minutes.

A motion was made by Commissioner Clifford and seconded by Commissioner Russell to approve the January 9, 2020 meeting minutes with the requested amendments. Motion carried by a vote of 5-0.

DISCUSSION**2. Approval of Amended Charter Review Commission 2020 Bylaws**

Staff Liaison Matthews explained that the clean version of the Bylaws was provided in the memo given to the Commission.

Commissioner Russell expressed concern with the process of appointing a Chair to the committee. She indicated that she felt that the Chair should be determined by a vote of the Commission and not a Mayoral appointment. She also mentioned that the 12-month-period for the commission to review the Charter should be extended by a few months to allow more time for careful consideration. Commissioner Clifford indicated that the provision needed to be amended in the actual Charter itself and not the bylaws.

Deputy City Attorney Priest said that the Council should make change to appointment of Chair. Commissioner Russell indicated that she objected to how the Chair is currently appointed and Deputy City Attorney Priest indicated that other amendments in Bylaws are how commissions are to run their meetings, but that the appointment of Chair was the Mayor's prerogative and should be sent back to the Mayor and Council for approval.

Commissioner Tomkins suggested adding a sentence of under Section E-1 of the Bylaws on correspondence to the Commission ensuring that any correspondence sent to the Commission be forwarded to the members in a timely fashion. Staff Liaison Matthews agreed to add the proposed amendment.

A motion was made by Commissioner Clifford and seconded by Commissioner Tomkins to approve the Charter Review Commission 2020 Bylaws with requested amendments. Motion carried by a vote of 7-0.

3. Presentation about the Purpose of a City Charter and Charter Amendment Process

Deputy City Attorney Priest gave a presentation on charter cities and the Charter amendment process.

The Commissioners discussed the issue with the interpretation of the Elections Code in regards to public hearings on proposed amendments. Deputy City Attorney Priest indicated that the legal counsel's opinion is that community involvement is required and advised the Commission that he would bring back further information on amendment to the Charter.

The Commission spoke on spreading out amendments on ballots and splitting the items by the calendar and the importance of getting some substantial amendments on the November 2020 ballot.

4. Background information about the Pomona City Charter

Staff Liaison Matthews gave an overview of the item.

Chair Engdahl recessed the meeting at 6:27 p.m. for a break. The meeting reconvened at 6:34 p.m.

5. Discussion of Key Issues and other Recommended Changes based upon an Initial Review of the Charter

Chair Engdahl recommended that each Commissioner speak on items of importance to them.

Commissioner Rudenauer proposed that some "body," individual or commissioner, to enforce overall Charter and be responsible for periodic audits, Charter-related activities, and the enforcement of schedules and elements of the Charter that the commission has put in place.

Commissioner Tomkins spoke on elections and bringing back primary elections. She also spoke on transparency-related issues and enforcement of Charter.

Commissioner Jimenez had no pressing issues and indicated that he was still in the process of reviewing the Charter.

Commissioner Clifford handed out copies of the amendments proposed by the 2010-2011 Charter Review Commission and highlighted some of the areas that the current Commission might want to revisit. Some areas discussed included council district boundary changes (203), the current mayoral and Council election sequencing (401), the nature of the mayoral position (407), and the recording of votes provision (505(f)). Other areas discussed included enforcement issues in the separation of powers provision, in regards to City Manager and Council communication (601(d)), enforcement issues in regards to the City Manager appointments (603 (a)), issues with the City Treasurer and Director of Finance distinctions (701), and Boards and Commissions rules and regulations (801). Some other issues included council action on budget (1006), campaign fundraising (1402), conflict of interest interpretation issues (1403), and the composition and duties of the Charter Commission (Article XVII). Commissioner Clifford also suggested the inclusion of additional commissions, including an Ethics Commission and a Police Oversight Commission.

Commissioner Escobedo spoke on elections, representation, and exploring term limits. He also talked about the language on the appointment process in regards to Council vacancies and the redistricting process. He suggested using the word “certify” instead of “judge” election results in the current Charter language. Some other issues he discussed were transparency of language on public input in the budget process, setting a clear date for Council action on budget, lobbying disclosure being available for Council, responsiveness and public inclusiveness on the City Manager’s performance, and Conflict of interest as it relates to spouses and direct relatives of elected officials.

Commissioner Russell discussed redistricting, campaign finance, council vacancies, Charter review timeline, addressing bylaw issues for all commissioners, insufficient public speaking time and creating a more welcoming and inclusive environment for public comment, and cleaning up minor changes to the language.

Chair Engdahl talked about the timing of the swearing in of Council, Closed Session language, Sections 702 & 703 and the need to review administrative roles annually. He also discussed the creation of a Police Commission, the addition of a primary election section, and the legality of the use of surplus campaign funds.

Chair Engdahl asked to let Public Comment occur before the discussion of last few items.

PUBLIC COMMENT

Community advocate Benjamin Wood spoke about the inconvenience of the time and location of Commission meetings and requested better access to Commission deliberation. He also discussed the placement of Public Comment on the agenda and the agendizing of items by the public. He mentioned that he was one of the founding members of Police Oversight Starts Today (POST) and stressed the need for Police Oversight within the Charter. He also requested the Commission to allow POST to conduct a presentation to the Commission highlighting the necessity for police

oversight. After discussion of the legality of a presentation by POST, the Commission discussed options for the group to submit a written presentation or petition for the Commission to consider.

James Sanbrano, a private attorney, spoke on concerns about public presentation and the venue and expressed that public comment should be at the beginning of the meeting rather than the end. He also outlined his concerns with the noticing of the agenda, the priorities of the city, and the need for a Police Oversight Commission.

Jesus Sanchez, Founder of the nonprofit Gente Organizada and member of POST, thanked the Commissioners for their detailed work on the Commission and asked about doing a presentation for the Commission. He also emphasized the need for the creation of a youth fund, a Police Oversight Committee, and expressed concerns about the accessibility of the noticing of the agenda.

Commissioner Rudenauer asked to have Charter Review Commission information added to the front page of the City website.

Commissioner Russell asked about changing the venue to the Council Chamber and the option of live streaming the meetings. She also requested to know the parameters a commission could legally have in regards to police oversight. She requested that staff look into both of these issues and inform the Commission.

6. Discussion of Next Steps and General Process

The commission discussed moving Public Comment to the beginning of the agenda and calendaring community meetings. They also discussed ways to facilitate public participation including allowing the public to write in comments, making sure that translation services were available, and creating a more transparent and streamlined process.

Commissioner Clifford asked about having extra meetings to ensure that key issues make it onto the 2020 ballot.

Commissioner Russell asked about the creation of a Calendar plan of future meetings.

Commissioner Tomkins expressed the need for consensus if the Commission would like to add amendments to the 2020 ballot.

Commissioner Escobedo asked Deputy City Attorney Priest about the timing of the implementation of amendments passed in the 2020 election, like the appointment of a redistricting commission and other election provisions. Deputy City Attorney Priest spoke on the impact of the 2020 Census data released in late 2020 or early 2021, on redistricting and indicated that a redistricting commission on the ballot could help to have the infrastructure in place to interpret that data. He also suggested hiring a consultant familiar with the Voting Rights Act to help to set the parameters for

redistricting. He mentioned some potential examples he could use to help to expedite the process. In regards to term limits, Deputy City Attorney Priest said that if there is a measure on the ballot that sets term limits and Council members are on the ballot in the same election, there are exceptions to allow for immediate application of the term limits.

Chair Engdahl spoke on making sure that the community had input on the Charter revision.

Commissioner Rudenauer asked for a list of amendments from each member and suggested having a special meeting to prioritize amendments.

The Commission discussed the creation of a public blog or forum for the public to weigh in on some of the individual items addressed in the meetings. Staff Liaison Matthews shared that she had established an email address to gather public comments on Commission activity.

Commissioner Escobedo asked if staff could prioritize the amendments mentioned.

Staff Liaison Matthews asked about a Subcommittee to develop the priority list of amendments and the community-meeting plan to bring back to the full committee for consideration.

Commissioner Russell suggested that individual members compose language that they would like added to the Charter to create some templates that could be used later in the amendment process. Staff Liaison Matthews reiterated the need to break up the different issues into sections to be discussed at different meetings and asked the committee for feedback.

Commissioner Escobedo said that he had no strong preference for the order, but expressed a desire to be on any public hearing subcommittee created in the future.

Commissioner Rudenauer again expressed his desire to have the Charter Review Commission information on the front page of the City website.

Commissioner Russell suggested also adding a link for public comment on the front page of the website. She emphasized that it would not take away from public comment at the meetings, but would allow the Committee to review the content beforehand.

The Committee discussed the time-consuming nature of adding the Police Commission to the Charter and indicated that it was not an issue that could be tackled before the next election. They discussed prioritizing other issues first so that they would be able to have sufficient time to receive public comment, get feedback and give the issue proper attention.

A motion was made by Chair Engdahl and seconded by Commissioner Tomkins to form a Subcommittee to set up public access and to prioritize amendments to appear on subsequent agendas. Motion carried by a vote of 7-0.

Chair Engdahl and Commissioners Rudenauer and Clifford agreed to be on the Subcommittee.

Staff Liaison Matthews proposed adding Elections to the next agenda.

Commissioner Tomkins asked about the venue for the next meeting and Commissioner Clifford asked about scheduling an additional meeting. They discussed the prospect of using the Council Chambers for the next meeting to allow for better public access. After discussing possible dates for a special meeting and conflicts with the City schedule, the Committee elected to stick with the current schedule and appoint an Elections Subcommittee to discuss the Elections further.

A motion was made by Commissioner Clifford and seconded by Commissioner Escobedo to establish an Elections subcommittee. Motion carried by a vote of 7-0.

Commissioners Tomkins, Escobedo and Jimenez agreed to be on the Elections Subcommittee.

The Commission expressed their desire to hold the next meeting in the Council Chambers to accommodate the public.

COMMISSIONER COMMUNICATION

Commissioner Clifford asked about name badges and business cards for the Commissioners. Staff Liaison Matthews said that she would look into name badges and cards.

STAFF COMMUNICATION

Staff Liaison Matthews spoke about the missing pages on the memo handout and indicated that she would get those missing pages to the Commissioners as soon as possible.

City Clerk Butler informed the Commission members that she could provide contact information to facilitate subcommittee communication.

ADJOURNMENT

A motion was made by Commissioner Russell and seconded by Commissioner Rudenauer to adjourn the Charter Review Commission meeting at 8:41 p.m. to the next meeting on Thursday, February 27, 2020 at 5:30 p.m.

Respectfully submitted,

ATTEST:

ROSALIA A. BUTLER, MMC
City Clerk/Commission Secretary to the
Pomona Charter Review Commission

DEREK ENGDAHL
Chair of the Pomona Charter Review
Commission