

# 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.*

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Thursday July 9, 2020

6:00 PM

Teleconference via Zoom

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#### **6:00 P.M. Teleconference via Zoom**

#### **CALL TO ORDER**

Chair Engdahl called the Charter Review Commission Special Meeting to order at 6:01 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 Edward Jimenez  
Commission Member Dean Rudenauer  
Commission Member Eunice Russell  
Commission Member Ann Tomkins

Absent:

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**STAFF PRESENT**

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

**PUBLIC COMMENT**

City Clerk Butler indicated that there were no electronic comments received.

Guillermo Gonzalez expressed concern that a Police Oversight Committee item was not on the agenda and urged the Commission to give the community an opportunity to vote on the issue.

Commissioner Clifford let Mr. Gonzalez know that the Police Oversight Commission item could be up for discussion under item four: Commissions.

**DISCUSSION CALENDAR**

1. **Status Updates and Next Steps: Review and discuss current progress, draft summary report to City Clerk, procedures, timelines, and update from Ad Hoc meeting with City Council Ad Hoc Committee**

Hank Fung cautioned against trying to rush to get items on to the 2020 ballot and suggested that the Commission take time to get feedback for placement on the 2022 ballot.

Staff Liaison Matthews gave an overview of the agenda attachments for this item. She explained Resolution No. 2020-104 that authorized the Charter Review Commission to continue its work through June 30, 2021 and clarified certain procedures related to City Charter amendment proposals. She also conveyed that the Resolution clarified the City Attorney's opinion that the Commission could place items on the 2020 or 2022 ballot, but not both and that it could place items on the ballot separately or however the Commission chooses. She explained that the Resolution also ensured that no member could be removed without consent by the majority of the Commission and a 5/7 vote of the City Council. She indicated that although the City Council may provide input, the CRC has the final authority as to the content of the Charter amendments it proposes.

Commissioner Russell expressed concern about things that she had heard about the Commission suppressing votes by not putting certain items like the Police Commission on the 2020 ballot. She stressed that she or any of the other Commissioners were not suppressing voters and pointed to the months missed due to COVID. The quarantine

period and the subsequent City Attorney opinion forced the Commission to only be able to place items on the 2022 ballot, instead of the 2020 and 2022 as they had originally intended. She explained that due to legal obligations and the need for public input, they could not rush items onto the 2020 ballot. She pointed out that for a complex issue like the police commission it takes more than a couple of weeks to create a proposal that would reflect the needs of the community. She shared that she understood the public frustration over policing in Pomona, but wanted the public to know that the Commission put a lot of work and in-depth research into these proposals and that she did not appreciate being accused of suppressing the negative comments.

Commissioner Clifford conveyed that he read the same voter suppression comments and stated that the formation of the Charter Review Commission was never to get measures on the ballot in a four-month period. He emphasized that the Charter Review Commission was assigned 12 months to get its job done.

Commissioner Tomkins said that she understood the public concern because the original intent of this particular mission was to put items on the 2020 ballot. Commissioner Tomkins said they had several items ready to put on the ballot, but in light of the City Attorney opinion, the Commission had to wait until 2022 so they could include all the intended proposals. She emphasized the need to look at ways that the Commission could get community engagement in light of no in person meetings. She said that the extension gave them time for public engagement and input for proposed Charter amendments.

Commissioner Escobedo shared that he was happy to have some clarity from the Council and indicated that there was a need for improvement in the ways the Commission operates. He echoed others comments about how profanely the COVID-19 pandemic affected everything, including the time lost by the Commission during the lockdown. He emphasized that the extension was granted in order for the Commission to get more done and shared that he was happy to have more time so they could be effective in enacting some real change in the next year.

Chair Engdahl updated Commissioner Rudenauer, who was absent from the last meeting, on the opinion by the City Attorney that the Commission could pass measures in either the 2020 or 2022 elections, but not both. Commissioner Clifford mentioned that if they were to put something on the 2020 ballot then the work of Commission would essentially be over, prohibiting them from addressing some of the other important issues.

Deputy City Attorney explained the opinion and subsequent Council Resolution granting the Charter Review Commission an extension.

Staff Liaison Matthews reiterated that the timeframe and process needed to get measures on the upcoming 2020 election was short and explained that it would be very hard to complete the process in time for the July 20 Council meeting.

Chair Engdahl also expressed concern about the idea that the Commission was trying to suppress votes and indicated that the intention all along was to get as much community impact as they could. He explained that the Commission had plans for larger meetings

involving the public that were cancelled because of COVID-19. He praised the members of the Commission for all of the hard work they had done and urged everyone to step back, regroup, and to think of ways to engage the public moving forward.

Commissioner Tomkins pointed out that there was a misconception that they were the only Committee not to have met during the first two months of the COVID outbreak. She indicated that she responded to some of the comments on Facebook to try and clear up that misconception.

Chair Engdahl pointed out the special meetings that they held, in addition to the regular meetings, to try and catch up with the work missed during the break.

The Commission indicated that they were all in agreement with the Council Resolution and agreed that they were now concentrating on the 2022 election.

Commissioner Escobedo asked if they still needed to discuss all the agenda items or just table them for the next regular meeting. Commissioner Clifford indicated that there was a member of the public who wanted to comment on some of the items.

Chair Engdahl indicated that there was no language change on the agenda item attachments, so there was no need to act on any of those items.

Commissioner Tomkins asked Deputy City Attorney Priest about the Commission's proposal regarding the Charter Commission attachment language and why it stated that Council could add items to the ballot with a Resolution or an Ordinance.

Deputy City Attorney Priest indicated that the language was a clarifying amendment broadening the language to allow a Charter amendment to be passed by either an Ordinance or a Resolution, but that it still required a 5/7 vote by the Council to put it on the ballot.

Commissioner Tomkins wondered if that language mattered as much because Council proposals would require hearings.

Deputy City Attorney Priest explained that because of the public hearing requirement and the fact that a Charter amendment would have to be voter approved, that two readings would not necessarily be required. He indicated that for practical purposes there would be time for two readings of any proposed amendments.

Commissioner Russell asked Mr. Priest about the initial Resolution drafted by the Commissions subcommittee and if it would still go on the ballot with the same language. Mr. Priest indicated that a future Charter Commission formed in 2029 would have 24 months to complete their work.

Commissioner Tomkins indicated that she wanted to clarify an issue mentioned in public comments at the last meeting about the Commission members not being representative of the geographic diversity of the City. She explained that the Subcommittee did add

language in the proposal to recommend that the Councilmembers appoint someone from their district, but did not want to make it a requirement. She stressed that it was hard to find applicants that were willing to devote the time needed to serve on the Charter Review Commission and she noted that no one applied from District 3, the District mentioned by the public speaker.

**2. Elections: Receive report, if any, based on recommendations from the Elections Subcommittee and discuss proposed revisions to elections-related provisions, which may include, but not limited to, Article IX, Sections 401, 402, 404, 406, and Article VI of the Pomona City Charter**

Hank Fung told Commissioner Tomkins that he was sorry that they could not get the Primary Election initiative on the 2020 ballot and indicated that he was hopeful about placement on the 2022 ballot so it could apply to the 2024 election. He addressed the concern about the cost of a primary election and mentioned the 2010 Charter Review Commission decided to use instant runoff voting, but that it would not be compatible with the new L.A. County touch screen voting system. He suggested using approval voting instead where voters could choose one or more candidates to address issues that may arise during the long gap between the March primary election and the general election.

Guillermo Gonzalez pointed out that a primary election could exclude many voters due to low turnout. He indicated that a primary would be necessary with more than two candidates, but if there were only two candidates then there would be no need for a primary. He suggested that this approach could save money and allow more voters to participate.

Commissioner Russell said it was not necessarily about the cost and pointed to District 6, which often has a large number of people running. She said that this resulted in the winning candidate getting a small percentage of the vote and this was one of the main reasons for suggesting a primary election.

Commissioner Clifford acknowledged that the tier voting suggested by the 2010 Charter Review Commission would not work with the current voting system. He pointed out that even with the low voter turnout for a primary that it would narrow it down to two candidates that the voters could then choose from in the general election. He expressed doubt that the approval voting suggested by Mr. Fung would be compatible with the L.A. County voting system. He indicated that he did not know what the solution could be, but urged Mr. Gonzalez to suggest some alternatives.

Commissioner Escobedo indicated that the public comment suggestions were intriguing ideas. Chair Engdahl agreed and said that it was something they could look into given the extra time they now have.

**3. Redistricting: Receive report, if any, from the Redistricting Subcommittee and discuss draft proposed revisions to Sections 202 and 203 of Article II, “Boundaries of City and Council District”, creation of independent redistricting commission, and other related issues.**

Hank Fung thanked the City Attorney for the great work on the Redistricting Committee Proposal. He pointed to the controversy that ensued after the random selection of the State Redistricting Commission and the fact that no Latinos were selected. He said that he appreciated the City Attorney’s omission of the random selection provision in the language for the City of Pomona. He mentioned the national focus on line drawing and redistricting and asked that the Commission strongly consider lobbying Council to take line drawing out so they can enshrine it in the Charter in 2022. He indicated that for those who wanted to see independent redistricting, that would be the best option.

Guillermo Gonzalez said that although he understands that redistricting is usually fraught with political maneuvering at a state and federal level, he cautioned against creating division with the creation of an independent redistricting committee. He suggested keeping it within the context of the Charter Review Commission.

Commissioner Russell, responding to Mr. Gonzalez, pointed to her time on the 2010 Charter Review Commission when the Council bottlenecked the 2010 redistricting proposal. She reasoned that redistricting based upon the Census gives the Commission the opportunity to make sure everyone gets adequate representation.

Chair Engdahl asked the Commission to address the attached report for this item.

Staff Liaison Matthews gave an overview of the report and indicated that the changes to the language were not substantive. She explained that Deputy City Attorney Priest wanted to address an existing provision in the Charter involving redistricting to make sure that the language in the proposal did not conflict with it.

Commissioner Clifford refuted Mr. Gonzalez’ idea that an independent redistricting committee was not needed on a local level by pointing out major projects that certain Councilmembers might or might not want to have in their district and how that could affect the redistricting process. He indicated that in the past 20 years there have been significant changes to the population of districts and that they really needed to examine the current districts.

Commissioner Tomkins asked if it would be possible for the Commission to request that the City Council adopt the redistricting committee proposal as an ordinance. Deputy City Attorney Priest responded that the existing Charter indicates that the boundaries may be changed by a 5/7 vote of the City Council. He said that he sees nothing in the Charter that would prohibit the Council by giving it to an independent redistricting committee with a 5/7 vote and believes that it would be consistent with the current Section 203 of the Charter.

Chair Engdahl indicated that because some of the language that the Commission drafted was based on the assumption that they would put it on the 2020 ballot, it would have to be redrafted moving forward.

**4. Commissions: Receive report, if any, from the Commissions Subcommittee (Articles VII, XVI, and XVII) related to City Commissions**

Hank Fung commented that he did not think that the Youth Commission should be a Charter commission, but that he supported the addition of a Police Commission to the Charter. He pointed to examples from other cities like Pasadena and Fullerton and indicated that it did not need to be a big city commission like the City of Los Angeles, but stressed that it was an essential item that reflected the will of the people.

Guillermo Gonzalez pointed out the Police Oversight Commission proposed by former Police Chief Michael Olivieri before he retired last year. He indicated that the Police Union agreed with the proposal because they wanted to increase public trust in the police. He said that he agrees that a trust gap exists, but does not think that the proposal went far enough. He stressed the need for the Charter Review Commission to thoughtfully address those issues in the creation of a civilian oversight committee and emphasized that subpoena power was crucial. He indicated that he did not agree with the City Attorney assessment of the meet and confer requirement and indicated that the oversight committee could defer disciplinary action to the Chief of Police.

Commissioner Russell responded that the Subcommittee did not have time to report on their meeting with the head of Internal Affairs and the Chief of Police and that they had reached out to the police union who indicated that they intended to respond. She agreed that the proposal put forth by the police last year did not have enough substance, but stressed that the Subcommittee still needs much more community input to move forward with an alternative proposal.

Deputy City Attorney Priest indicated that the City Attorney's Office had not officially opined on the meet and confer provision in regards to the creation of a police oversight committee. He said that they have not had a chance to dive deep into the issue and were not prepared to present an official opinion on the matter, but were open to it depending on what the Commission puts forward in the future.

Commissioner Clifford indicated that he received the email from Ben Wood of POST with the language that they would like to see in a Police Commission Charter amendment. He asked if the Commissions Subcommittee was going to be looking at the POST proposal before the next meeting.

Commissioner Tomkins said that the Commissions Subcommittee had received the POST report earlier and that she thought Deputy City Attorney Priest indicated that it triggered the meet and confer requirement.

Deputy City Attorney Priest said that he had not read the entire proposal, but still indicated

that the City Attorney's Office was still not prepared to opine on meet and confer at this moment.

Commissioner Tomkins mentioned the Subcommittee meeting with the Police Chief, the head of Internal Affairs and a representative from the City Attorney's Office. She said they looked at best practices from other cities to determine what would be best for Pomona and that she wanted the public to know that the Commission is spending a lot of time and energy looking at these issues. She stressed that it is a complicated issue and would require a lot of community input.

Commissioner Russell said that although Pomona is a fairly large city, they have a small police force and asked Deputy City Attorney Russell how Pomona compares with other cities.

Deputy City Attorney Priest stressed what others were saying about not rushing this issue and indicated a need for the Commission to think carefully about what is the best fit for the community.

**5. Campaign Finance: Receive report from Campaign Finance Subcommittee and discuss draft revisions to Article XIV, "Municipal Campaign Finance and Conflict of Interest."**

Guillermo Gonzalez said that he understands the goal of campaign finance reforms is to limit the ability of big money interests to influence elections and indicated that he would like all campaign contributions to be submitted electronically and posted within 48 hours to ensure the public has full transparency.

City Clerk Butler shared that due to the lack of the appropriate software, the City Clerk's Office was not able to post the campaign contribution information electronically. She informed Mr. Gonzalez that the forms are on file and that they are available for viewing or scanning upon request.

Commissioner Russell asked City Clerk Butler to share the email address for requesting campaign finance forms.

Chair Engdahl asked if the Commission would like to table items 6, 7, & 8 for a future meeting.

**A motion was made by Commissioner Escobedo, seconded by Commissioner Clifford, to table items 6, 7 & 8 to the next regular meeting on July 23, 2020. Motion carried by a vote of 7-0.**



6. **Positions: Receive report, if any, from Positions Subcommittee related to structure of City positions and sequencing of elections, which may include but not be limited to, Article VII, IV, VI, and other sections to be determined**

Tabled for discussion at the next meeting.

7. **Enforcement: Receive report, if any, from Enforcement Subcommittee related to proposal about how to ensure provisions of the Charter are enforced**

Tabled for discussion at the next meeting.

8. **Transparency: Receive report, if any, from Transparency Subcommittee related to provisions in the Charter that improve the transparency of City government**

Tabled for discussion at the next meeting.

9. **Technical Clean-up: Receive report, if any, from staff, relating to technical clean-up of the Charter, with a focus on aligning language with current practices and law, and other minor clean-up identified by other Subcommittees**

Guillermo Gonzalez thanked all of the Commissioners for all the hard work. Chair Engdahl thanked Mr. Gonzalez for his participation.

City Attorney Priest indicated that there were no additional amendments to suggest and added that they would need to address Sections 201, 202, & 203 because changes were moved to the Redistricting measure.

Commissioner Russell asked how the changes to Sections 201, 202, & 203 would occur.

Deputy City Attorney Priest suggested leaving those Sections as originally written in the Charter and that the independent redistricting committee measure would be responsible for changing those sections once it goes into effect.

Staff Liaison Matthews suggested that the Commission go through the technical clean up section later to clarify what belongs in the technical clean up section.

Chair Engdahl asked Commissioners Clifford and Rudenauer if they wanted to have another look at the proposal.

Commissioner Clifford said that they could have another look at it and indicated that the original concept of technical clean up was to get staff input on Charter updates in relation to how the City is run.

Commissioner Rudenauer indicated that there were a couple of questions that they wanted to address. He suggested and discussing it as a full Commission with input from staff. He suggested moving it to a different meeting for discussion.

Commissioner Tomkins indicated that the technical clean up section was not intended to be the final language.

Staff Liaison Matthews confirmed that the proposal was intended to be an early working document and not presented as a final proposal.

Chair Engdahl recessed the meeting for a five minute break at 7:38 pm. Chair Engdahl called the meeting back to order at 7:44.

### **COMMISSIONER COMMUNICATION**

Commissioner Russell once again stressed that being on an appointed Commission was not easy work and emphasized that she and the other Commissioners were trying to make a difference in the community. She wanted to make it clear that the Commission was doing everything by the book and that critics should look to the rules and regulations. She talked about the need to adequately address important issues and cautioned against rushing items onto the ballot. She spoke on the need to make sure that public input was carefully considered and stressed that public opinion and wants and needs were the most important factor in the decision-making process of the Commission.

Commissioner Escobedo suggested focusing on a small number of items within special meetings to reduce the time spent on items that did not need immediate attention.

Commissioner Clifford agreed that Special Meetings moving forward could be focused on specific items that the Commission is receiving reports on as opposed to the previous special meetings where the Commission was trying to get items on to the 2020 ballot. He indicated that the Commission now had the time to focus more on each item.

Commissioner Tomkins suggested coming up with a plan for moving forward. Chair Engdahl suggested that be added to the agenda for the next meeting.

Commissioner Rudenauer expanded on Commissioner Russell's comments about the public perception of the Commission. He indicated that he wanted to be on the Charter Review Commission so he could help to improve the city through the Charter amendment process. He stressed that he is passionate about the City of Pomona and that is why he works full-time, but still has committed to dedicating his free time to the Charter Review Commission. He said that is why he resents the negative comments belittling the Commission on social media.

Chair Engdahl suggested the Planning Subcommittee meet to help craft the plan moving forward.

### **STAFF COMMUNICATION**

City Clerk Butler reminded the Commission of the Council and Mayoral nomination period from July 13 to August 7, 2020.

### **ADJOURNMENT**

A motion was made by Chair Engdahl to adjourn the Charter Review Commission meeting at 7:57 p.m.

Respectfully submitted,

ATTEST:

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ALISON GLYNN  
City Clerk/Commission Secretary to the  
Pomona Charter Review Commission

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DEREK ENGDAHL  
Chair of the Pomona Charter Review  
Commission