

ORDINANCE NO. ____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA
CREATING AN ETHICS COMMISSION PURSUANT TO SECTION 807
OF THE CITY CHARTER OF THE CITY OF POMONA**

WHEREAS, Section 807 of the City Charter requires the City Council to create an Ethics Commission which Commission was established by ordinance in Division 8 of Article 5 of Chapter 2 of the Pomona City Code; and

WHEREAS, Section 2-803 of the City Code currently provides that the Commission shall monitor and advise on applicable governmental ethics laws as set forth in State law, the City Charter or City ordinance, regulation or policy, including but not limited to campaign finance limits and disclosure, nepotism, lobbying, conflict of interest and open meeting laws, to assure fairness, openness, honesty and integrity in City government, including compliance by the City of Pomona, its elected officials, officers, employees, boards and commissions with said laws, regulations or policies; and 2) educate and respond to issues regarding the aforementioned laws, regulations, and policies; and

WHEREAS, the Ethics Commission expressed a desire for more definitive duties and responsibilities and declaration of authority in order to carry out the will of the voter approved creation of City Ethics Commission; and

WHEREAS, staff desires clearly established duties and authority in order to support the Ethics Commission and its mission.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Pomona as follows:

SECTION 1. The City Council hereby finds that the foregoing recital is true and correct and is incorporated herein.

SECTION 2. The City Council of the City of Pomona finds the adoption of this ordinance to be statutorily exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Regulation 15061(b)(3). Under Regulation 15061(b)(3), the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the project is exempt from CEQA. This ordinance will not affect the physical environment by permitting a new use or intensifying an existing use. The ordinance establishes a policy commission. There is no potential for the changes to result in a significant effect on the environment.

SECTION 3. The City Council of the City of Pomona hereby restates Division 8 to Article 5 of Chapter 2 of the Pomona Municipal Code to read in its entirety as follows:

“DIVISION 8.- ETHICS COMMISSION

- 2-801 Establishment and purpose.
- 2-802 Appointment
- 2-803 Duties and responsibilities.
- 2-804 Review of Alleged Ethics Violations

Sec. 2-801. – Establishment.

There is hereby established an Ethics Commission (hereinafter referred to as the “Commission”).

Sec. 2-802. – Appointment.

The Commission shall consist of seven (7) members who shall be appointed in accordance with Section 801 of the Pomona City Charter whereby the Mayor and each Councilmember shall appoint one Commissioner.

Sec. 2-803. – Duties and Responsibilities.

The Commission shall have the following powers, duties and responsibilities:

(a) Monitor and advise the City Council on applicable governmental ethics laws as set forth in State law, the City Charter or City ordinance, regulation or policy, including but not limited to campaign finance limits and disclosure, nepotism, lobbying, conflict of interest and open meeting laws.

(b) Advise the City Council whether the Commission believes the City’s elected officials, officers, employees, boards and commissions are in compliance with governmental ethics laws as set forth in State law, the City Charter or City ordinance, regulation or policy, including but not limited to campaign finance limits and disclosure, nepotism, lobbying, conflict of interest and open meeting laws.

(c) Recommend educational programs and provide feedback regarding governmental ethics laws as set forth in State law, the City Charter or City ordinance, regulation or policy, including but not limited to campaign finance limits and disclosure, nepotism, lobbying, conflict of interest and open meeting laws.

(d) On or after April 15th of each year (1) receive a report from the City Clerk on which individuals have not completed the required filing of the Form 700 Statements of Economic Interests, (2) establish a list of those individuals who are not in compliance and report to the City Council and the City Manager on compliance.

(e) Annually, audit the Form 700 Statement of Economic Interest disclosure statements and issue a report to the City Council and file complaints with the Fair Political Practices Commissions for anyone out of compliance.

(f) Annually audit compliance with AB1234 and report to the City Clerk and City Manager on those who are not in compliance.

(g) Make recommendations to the City Council concerning campaign finance reform, lobbying, governmental ethics and issue a report to the City Council every three years.

(h) Maintain a whistle-blower hot line for alleged violations by elected officials and appointed Commissioners.

(i) Refer alleged employee violations of governmental ethics laws as set forth in State law, the City Charter or City ordinance, regulation or policy, including but not limited to disclosure, nepotism, lobbying, conflict of interest and open meeting laws to the City Manager and City Attorney.

(j) Within 14 days after CA Form 460's are due, receive a report from the City Clerk and schedule a review of the campaign contributions to ensure compliance with state and local laws and report any alleged violations to the property enforcement agency.

(k) Annually review the City's Code of Ethics and issue a report and recommendations to the City Council.

(l) Annually receive a report from the City Manager or his or designee on the number of ethics complaints against employees that were reviewed by the City Manager, including a brief description of the nature of the complaint and disposition, provided that the report and the information shall not include specific information which would violate any employee's privacy or employment rights.

(m) In accordance with Section 2-804 of this Division, review any written allegation against the Mayor, a member of the City Council or a member of a City commission or committee violations of governmental ethics laws as set forth in State law, the City Charter or City ordinance, regulation or policy, including but not limited to disclosure, nepotism, lobbying, conflict of interest and open meeting laws.

Sec. 2-804. – Review of Alleged Ethics Violations.

(a) The City Manager or his or her designee shall work with the Ethics Commission to adopt a written policy and procedure for the intake of governmental ethics law complaints against the Mayor, a member of the City Council or a member of a City commission or committee.

(b) Upon receipt of a written complaint of a governmental ethics law as described in this Division, the Commission shall have the following powers, duties and responsibilities:

(1) Refer any written ethics complaint against any City civil-service employee, exempted employee or contracted employee to the City Manager.

(2) Refer any written ethics complaint against the City Attorney, the City Manager or the City Clerk to the City Council as the Council has appointment and removal authority under the City Charter.

(3) With the assistance of staff, including assistance from the City Attorney, schedule a review of a written governmental ethics law complaint against the Mayor, a member of the City Council or a member of a City commission or committee and refer to the appropriate enforcement agency or appoint an ad hoc committee to further assess the complaint. The ad hoc committee may then make a recommendation to the full Ethics Commission for further review or seek the assistance of the City Attorney or the ad hoc committee may recommend that the Ethics Commission submit a written request to the City Council for the appointment of an investigator. When a review or investigation is completed a report shall be made to the Ethics Commission and in the case involving an elected official, the Ethics Commission may issue a reprimand, recommend a censure, or consult with the City Attorney as to other legal options. In a case involving a member of a City commission or committee the Ethics Commission may issue a reprimand, recommend removal or consult with the City Attorney as to other legal options. Notwithstanding anything herein, a written complaint against a member of the Ethics Commission shall be forwarded directly to the City Council for assessment and handling.

SECTION 4. The City Clerk shall attest and certify to the passage and adoption of this Ordinance, and shall cause same to be posted as required by law and this Ordinance shall take effect thirty (30) days after its final adoption.

SECTION 5. If any section, subsection, sentence clause or phrase or word of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction or preempted by state legislation, such decision or legislation shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Pomona hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence clause or phrase or word not declared invalid or unconstitutional without regard to any such decision or preemptive legislation.

PASSED, APPROVED AND ADOPTED THIS ____ DAY OF _____, 2026

ATTEST:

CITY OF POMONA:

Rosalia A. Butler, City Clerk

Tim Sandoval, Mayor

APPROVED AS TO FORM:

Sonia Carvalho, City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)
CITY OF POMONA)

I, ROSALIA A. BUTLER, CITY CLERK of the City of Pomona do hereby certify that the foregoing Ordinance was introduced and adopted at a regular meeting of the City Council of the City of Pomona held on the ___ day of ___, 2026 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Rosalia A. Butler, City Clerk