

ORDINANCE NO. 4328

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, ADDING SECTION 2-526 (“STANDARD BYLAWS FOR ALL BOARDS, COMMISSIONS AND COMMITTEES”) OF DIVISION I (“GENERALLY”) OF ARTICLE V (“BOARDS AND COMMISSIONS”) OF CHAPTER 2 (“ADMINISTRATION”) OF THE POMONA CITY CODE RELATING TO THE ADMINISTRATION OF ALL CITY BOARDS, COMMISSIONS AND COMMITTEES

THE CITY COUNCIL OF THE CITY OF POMONA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Chapter 2 (Administration) of Article V (Boards and Commissions) of Division I (Generally) will be amended to add the following Section as follows:

ARTICLE V. – BOARDS AND COMMISSIONS

DIVISION 1. - GENERALLY

Sec. 2-526. – Standard bylaws for all boards, commissions and committees.

I. MEMBERS.

A. Attendance.

1. Commissioners are expected to diligently attend and participate in all Commission meetings. As far in advance of the Commission meeting as practicable, a Commissioner requesting an excused absence shall submit said request to the Secretary. “Excused absence” means absence due to illness or injury, unexpected business, emergencies, important personal business, official City business, or any reasonable excuse that the Commissioners approve.
2. If a Commissioner has three (3) absences (excused or unexcused) within a calendar year (January 1 – December 31), the Secretary shall place on the Commission Agenda the recommendation to City Council for removal of the Commissioner.
3. If the Commission votes to recommend removal of the Commissioner, the Commission’s recommendation should be placed on the City Council’s agenda as soon as practicable.
4. City Council shall have final decision to remove the Commissioner. The Commissioner may continue to serve until final City Council action.
5. If the Commission or City Council do not recommend removal of the Commissioner, then upon the Commissioner’s next absence (excused or unexcused) the Secretary shall place again on the Commission Agenda the recommendation to City Council for removal of the Commissioner.
6. This attendance policy using the Calendar Year will go into effect on January 1, 2024.

B. Quorum.

1. Quorum is defined as a majority of the legislative body members.

| Total Number of Legislative Members | Quorum | Majority of a Quorum |
|-------------------------------------|--------|----------------------|
| 5 | 3 | 2 |
| 6 | 4 | 3 |
| 7 | 4 | 3 |
| 8 | 5 | 3 |
| 9 | 5 | 3 |

2. The Commission consists of seven (7) members, unless otherwise stated by City Charter or Ordinance. A quorum shall be sufficient to transact regular business.

3. If less than a quorum appears at a regular meeting, then the Secretary may adjourn the meeting to a stated day and hour. A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the regular, adjourned regular was held within 24 hours after the time of the adjournment. If the lack of a quorum is recognized in advance due to any Commissioner's excused absence or vacant Commission seats, then the Secretary may adjourn the meeting to a stated day and hour, and the Secretary shall notify each Commissioner. The Secretary shall cause a written notice of the adjournment to be delivered by electronic mail to each Commissioner at least twenty-four (24) hours before the adjourned meeting is to commence. If the meeting is cancelled less than twenty-four (24) hours before the meeting is to commence, the Secretary shall notify each Commissioner by electronic mail and telephone call, and the Secretary shall post a copy of the order or notice of adjournment on or near the door of the place where the regular, adjourned regular meeting.

4. Vacancies of a commission do not count towards quorum.

C. Compliance with City, State and Federal Law.

1. All Commissioners shall comply with any disclosure requests by the Commission Secretary, City Clerk, State Law or Federal law, including but not limited to, filing the Statement of Economic Interest (Form 700) and attending Ethics Training (AB 1234).

D. City Issued Property

1. Name Badges will be the only City issued property provided to Commissioners by the City. Commissioners are required to return City Name Badges in their possession or control before their last day of service.
2. Any other use of the City Seal or Logo is prohibited. It is unlawful to make or use the City Seal or Logo for personal use.

II. OFFICERS

A. Chair and Vice-Chair.

1. Election. The Commission at the first meeting of February, or as soon as practicable thereafter, shall by majority vote appoint a Chair and Vice Chair. The Chair and Vice-Chair should have at least one year experience serving on the Commission.

2. Term of Chair and Vice-Chair. The term of the Chair and Vice-Chair shall be for one (1) year or until the successor Chair/Vice-Chair is appointed by the Commission members of the body they serve. Every effort must be made to ensure all Commissioners have the opportunity to serve their term as Chair and Vice Chair, provided they so desire to serve.

3. Presiding at the Meeting. The Chair shall be the Presiding Officer at all meetings of the Commission. In the absence of the Chair, the Vice-Chair shall preside. In the absence of the Chair and Vice-Chair, the Secretary shall call the Commission to order, whereupon the Commission shall select a member to serve as the temporary Presiding Officer for the duration of the meeting.

4. Duties of Presiding Officer.

a) To efficiently conduct the Commission meetings, including:

(1) Ensure that the meeting is conducted in an orderly fashion, that all items on the agenda are heard, and members of the public including applicants and opponents are heard.

(2) Ensure that order and decorum is maintained at the meeting.

(3) Ensure that Commissioners are provided an opportunity to speak on an agenda item if the Commissioner desires.

b) Participation. The Presiding Officer may move, second, debate, and vote. The Presiding Officer shall not be deprived of any of the rights and privileges of a Commissioner while acting as the Presiding Officer.

c) Questions to be Stated. The Presiding Officer, or such member of the City staff as the Presiding Officer may designate, may verbally restate each question immediately prior to calling for the vote. Following the vote, the Secretary shall announce whether the question carried or was defeated. At the Presiding Officer's discretion, may publicly explain the effect of a vote for the audience may direct the Secretary to do so before proceeding to the next item of business.

B. Secretary. A City designated staff member shall serve as Secretary of the Commission but shall not be a voting member of the Commission.

III. MEETINGS

- A. Schedule. Pursuant to Pomona City Code section 5-52, the Commission shall meet at least once a month, however the City Manager or his/her designee, has the authority to cancel a meeting.
- B. Compliance with the Brown Act. The Commission meetings are open to the public and shall be conducted in accordance with the provisions of the Ralph M. Brown Act (also referred to as the “Brown Act”) found at California Government Code Section 54950 et seq.
- C. Rosenberg’s Rules of Order. Rosenberg’s Rules of Order, shall guide the conduct of the meetings.
- D. Bylaws apply to all Commission Meetings. These bylaws shall be applicable for each Commission meeting whether the meeting is conducted in person or virtually.
- E. Regular Meetings. Shall be held in the time and place identified on the Agenda.
- F. Adjourned Meetings. Any Regular or adjourned meeting may be adjourned to a time, place, and date specified in the order of adjournment but not beyond the next Regular Meeting. If no time is stated in the order of adjournment, it shall be the same time as for Regular Meeting. Once adjourned, the meeting may not be reconvened. An Adjourned Regular Meeting is a Regular Meeting for all purposes.
- G. Special Meetings.
 - 1. The Chair or the Secretary may call a Special Meeting.
 - 2. Notice. The Secretary shall notify each Commissioner of the Special Meeting by sending each Commissioner written notice by electronic mail. Such notice must be delivered by electronic mail no later than seventy-two (72) hours before the Special Meeting as specified by the City Charter. The written notice shall specify the time and place of the special meeting and the business to be transacted. In addition to providing written notice, the Secretary shall attempt to provide the Commissioners with telephone notice of the special meeting. The written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes.
 - 3. Business at the Special Meeting. At the special meeting, the Commissioners shall not consider business other than the business identified in the notice of the Special Meeting and related Agenda for that meeting.
- H. Agenda.
 - 1. City staff, at the direction of the City Manager, shall prepare the Agenda for each meeting, containing the specific items of business to be transacted.
 - 2. Except as otherwise allowed by the Brown Act, the Commission shall not act on matters other than those listed on the Agenda.

3. Posting of the Agenda. The Agenda for Regular Meetings shall be posted no later than six (6) calendar days before the regular meeting as specified by the City Charter in the following public places:

- The Location the Commission Meeting will be held
- The bulletin board in the front of City Hall Council Chambers at 505 South Garey Avenue
- The lobby of City Hall
- City website

Example of Correct Posting Dates

| Day of Meeting | Posting Day (Six calendar days prior to day of the meeting) |
|-----------------------|--|
| Monday | Tuesday |
| Tuesday | Wednesday |
| Wednesday | Thursday |
| Thursday | Friday |

4. The Agenda shall contain the title headings and shall be conducted in substantially the order and the manner as set forth below:

- CALL TO ORDER
- PLEDGE OF ALLEGIANCE
- ROLL CALL

The Secretary shall call the roll of the Commissioners, and the names of those present shall be entered in the minutes.

- PUBLIC COMMENT

The Commission shall hear anyone in the audience desiring to address the Commission on any matter that is within the Commission's subject matter jurisdiction but is not on the meeting Agenda. Anyone desiring to address the Commission is limited to three (3) minutes, unless lessened or extended by a majority vote of the Commission. The maximum total time to be devoted to this section of the Agenda is thirty (30) minutes, unless extended by a majority vote of the Commission.

- COMMISSIONER COMMUNICATION

The Commission may briefly provide comments for items within the purview of the Commission but that are not on the Agenda, provide brief announcements, or request that items be considered to be placed on future agenda. If action needs to be taken, the item(s) must be properly scheduled on the Agenda prior to such action, unless otherwise allowed by the Brown Act.

- CONSENT CALENDAR

All items on the consent calendar shall be enacted in one motion unless a Commissioner requests a specific item be removed from the Consent Calendar for discussion.

Minutes shall be placed on the consent calendar, and the Commission may make non-substantive modifications and amendments to the action minutes, by a majority vote. Should the Commission desire to make a substantive modification,

the Commissioners shall identify the text they believe is in error and vote to continue the minutes to the next agenda. The Commission Secretary shall, after the meeting, review the recording of the Commission meeting and if the substantive modification is supported by the recording of then the Commission Secretary shall make the change to the minutes. If the recording does not support the modification of the minutes, the Commission Secretary shall not make modifications to the minutes.

- **DISCUSSION ITEMS**

The Commission may continue discussion of any items carried over from previous meetings, or discuss new items on the Agenda. These items include all matters properly brought before the Commission which require action or discussion, but do not require a public hearing. Anyone in the audience desiring to address the Commission on a specific Agenda item is limited to three (3) minutes, unless extended by a majority vote of the Commission.

- **PUBLIC HEARINGS**

Please see Section V. – “Public Hearings”

- **STAFF COMMUNICATION**

The Commission shall consider all verbal or written communication from staff. If action needs to be taken, the items must be properly scheduled on the Agenda prior to such action under the rules stipulated by the Ralph M. Brown Act.

- **ADJOURNMENT**

The meeting shall be adjourned to a time and date certain.

I. Commission Debate

1. A Commissioner desiring to speak shall first address the Presiding Officer, and be recognized by the Presiding Officer before speaking.
2. A Commissioner, once recognized, should not be interrupted by another Commissioner.

J. Rules of Decorum.

1. Commission meetings shall be conducted in an orderly and expeditious manner while maintaining discourse and deliberation in a civil, respectful, and cordial manner.
2. Commissioners shall preserve order and decorum during the meetings. Commissioners shall not engage in private conversations during the meeting, interrupt the proceedings, or refuse to obey the order of the Presiding Officer.
3. To avoid potential violation of the Brown Act, the use of cell phones and/or other digital devices by Commissioners for texting, or other means of electronic communication during the meeting, is prohibited.
4. There shall be no smoking or eating during the Commission meeting.

K. Public Comments.

1. Any person desiring to address the Commission shall fill out a speaker card and indicate the speaker's name, and Agenda item during which the person wishes to speak. However, a member of the public shall not be required, as a condition to speak at a meeting to register his or her name, to provide other information, to

complete a questionnaire, or otherwise to fulfill any condition precedent to his or her participation or attendance. When the Presiding Officer calls the speaker's name, the speaker shall then approach the podium (or other location the Presiding Officer instructs), state his/her name for the record, and proceed to address the Commission. All remarks and questions shall be addressed to the Commission as a whole not to any single Commissioner.

2. Every person addressing the Commission shall limit the comments to three (3) minutes, or such reasonable time as is granted by the Presiding Officer. When any group of persons wishes to address the Commission on the same subject matter, the Presiding Officer may request that the group select a spokesperson to represent the group and avoid unnecessary repetition

3. Members of the public shall not interrupt the Commission meeting or engage in disorderly conduct, including but not limited to, as hand clapping, stamping of feet, whistling, using profane language, yelling, and similar demonstrations, or disturb the peace and good order of the meeting in any way, or refuses to comply with the lawful orders of the Presiding Officer.

L. Voting.

1. Voting Procedure. All Commissioners present at a meeting when a motion question comes up for a vote shall vote for or against the motion or shall abstain. The Secretary shall declare the result and note for the record all "yes" votes and all "no" votes, and any abstentions. The Commission may also vote by roll call vote, ballot, or voting machine. Regardless of the manner of voting, the results reflecting all "yes" and "no" votes must be clearly set forth for the record. In order to be adopted, a motion requires the "yes" vote of a majority of the Commissioners present that are eligible to vote on the matter before the Commission, or by a two-thirds vote if specified in these bylaws, the City Code, or State law.

2. References to "majority vote" in these Bylaws mean a majority of the Commissioners present that are eligible to vote on the matter before the Commission.

3. Disqualifying Conflict of Interest. Commissioners shall not vote if private or personal interests are likely to conflict with the general public interest. The Political Reform Act shall apply to every Commissioner. The Commissioner with the disqualifying conflict of interest shall state the nature of the conflict of interest the record in sufficient detail to be understood by the members of the public, and recuse themselves from discussing or voting on the matter. The Commissioner will then leave the room until after the discussion, vote, or any other disposition of the matter. A recused Commissioner no longer counts toward the quorum.

4. Failure to Vote. Every Commissioner, without a disqualifying conflict of interest which requires an abstention, should vote. A Commissioner is not forced to vote, however a Commissioner who abstains without a disqualifying conflict of interest shall be counted as an affirmative vote to the motion made.

5. Lost Motions. A lost motion is one that fails to receive the necessary number of votes to carry. Tie votes result in a lost motion.

6. Recordation of Votes. The Secretary shall record the Commission's voting results in the minutes and shall include, by Commissioner's name, "aye" votes, "no" votes, abstentions due to a disqualifying conflict of interest, and absences.

M. Minutes.

1. Action Minutes. The minutes of the meeting shall be action minutes which shall include the motions and the voting results of that motion. If the Commission is acting in a quasi-judicial proceeding then the minutes shall also include a synopsis of the evidence considered by the Commission for those quasi-judicial items.

2. Preparation of Minutes. The Secretary is exclusively responsible for preparing the minutes. The minutes may only be changed by a majority vote of the Commission.

IV. COMMITTEES

A. Ad Hoc Committees. The Commission may establish Ad Hoc Committees. Ad Hoc Committees shall only be advisory to the Commission and shall contain less than a quorum of the Commissioners. The Ad Hoc Committee must have a specific task and shall only exist for a limited duration. An Ad Hoc Committee will dissolve upon completion of the specific task. Ad Hoc Committees are not subject to the Brown Act.

B. Standing Committees. Standing Committees are subject to the Brown Act, and as such, necessitate City resources. If the Commission would like to consider establishing a Standing Committee, the Commission may make such request of the Commission Secretary. The Commission Secretary shall consult with the City Manager to determine if the Standing Committee would be consistent with the City Council's goals and directions. If a Standing Committee is authorized by the City Manager then the Secretary will agendize the appointment of the Standing Committee. The Commission may appoint less than a quorum of the Commissioners to serve on the Standing Committee. The Standing Committee shall have a specific task, has no specific expiration date, and is subject to the Brown Act. The City Manager, or the Commission can terminate a Standing Committee at any time.

V. PUBLIC HEARINGS. Public Hearings Procedures (Note: this section will only apply to those Commissions that conduct Public Hearings).

A. The procedures for the public hearing shall be as follows:

1. The Presiding Officer opens the public hearing and announces the item.

2. City staff presents its report, including any environmental analysis or recommendation.

3. Questions of staff by Commissioners.

4. Presentation by applicant or representative has up to eight (8) minutes to address the Commission. In the case of an appeal when the appellant is different from the applicant, the appellant is called first to provide comments or testimony.

a) Any applicant or appellant wishing to present a power point or other presentation shall provide the presentation to staff at least 24 hours in advance of the hearing. Any presentation time will be inclusive of the eight (8) minute speaker time.

b) City staff will be in control of the presentation during the meeting, the applicant or appellant will direct when to advance the presentation.

5. Members of the public are provided with the opportunity to present their comments, testimony, or arguments. Members of the public must fill out a speaker cards the public may speak three (3) minutes. If there are a number of speakers, the Presiding Officer, with consensus of the commission may reduce the time each speaker is allowed to speak.

6. After all speakers have had an opportunity to speak, the applicant shall have up to five (5) minutes for rebuttal of any opposition raised.

7. The Commission may permit the applicant to exceed the preceding time limits if the Commission determines that the proposed project's complexity requires additional time for the applicant to make an adequate presentation.

VI. AMENDMENTS. These Bylaws may be amended by action of the City Council.

Secs. 2-527 – 2-550. - *Reserved.*

SECTION 2. The City Clerk shall attest 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.

PASSED, APPROVED, AND ADOPTED this 7th day of August, 2023.

CITY OF POMONA:

Tim Sandoval
Mayor

APPROVED AS TO FORM:

ATTEST:

Sonia Carvalho
City Attorney

Rosalia A. Butler, MMC
City Clerk

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF POMONA

I, DIANA ROBLES, DEPUTY CITY CLERK of the City of Pomona do hereby certify that the foregoing Ordinance was introduced for first reading at a regular meeting of the City Council of the City of Pomona held on July 17, 2023 and was adopted at second reading at a regular meeting of the City Council of the City of Pomona held on August 7, 2023, by the following vote:

AYES: Garcia, Lustro, Nolte, Ontiveros-Cole, Torres, Sandoval
NOES: Preciado
ABSENT: None
ABSTAIN: None

Diana Robles
Deputy City Clerk