

RESOLUTION NO. 2024-41

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF POMONA AN INITIATIVE CHARTER AMENDMENT REQUIRING AT LEAST TEN PERCENT OF THE CITY'S ANNUAL UNRESTRICTED GENERAL PURPOSE REVENUES TO BE ALLOCATED TO CHILDREN AND YOUTH PROGRAMS AND SERVICES, AT THE MUNICIPAL GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2024

WHEREAS, pursuant to authority provided by statute, a petition has been filed with the City Council of the City of Pomona, seeking to enact an initiative measure which would amend the Pomona City Charter to require that at least ten percent (10%) of the City's annual unrestricted general purpose revenues be allocated to children and youth programs and services (the "Charter Amendment" or "Measure"); and

WHEREAS, pursuant to Pomona City Charter Sections 904 and 1601(a), local initiative measures to amend the City Charter shall follow the procedures set forth in the California Elections Code, except where in conflict with the Charter or Municipal Code; and

WHEREAS, there are no provisions in the City Charter or Municipal Code which conflict with the State Elections Code and, therefore, the Elections Code governs the City's initiative procedure for proposing charter amendments; and

WHEREAS, for initiative charter amendment measures, Elections Code section 9255(c) sets a threshold of 15 percent of the City's registered voters to qualify the measure for the ballot; and

WHEREAS, the City Clerk, through the Los Angeles County Registrar of Voters, has certified that the form of the petition complies with California law and, based upon an examination of voter registration records, has ascertained that the petition is signed by the requisite number of voters to qualify the Measure for the ballot under the Elections Code; and

WHEREAS, the City Council is therefore authorized and required to submit the Measure to the voters ". . . at an established statewide general, statewide primary, or regularly scheduled municipal election . . . occurring not less than 88 days after the date of the order of election."; and

WHEREAS, the next "established statewide general election" and the next "regularly scheduled municipal election" occurring at least 88 days later will be on the same date – November 5, 2024; and

WHEREAS, pursuant to the authority provided by California Constitution, Article XI, Section 3, Pomona City Charter Sections 904 and 1601(a), and California Elections Code Sections

1415 and 9255, the City Council of the City of Pomona submits to the voters a proposed amendment to the City Charter which would require that at least ten percent (10%) of the City’s annual unrestricted general purpose revenues be allocated to children and youth programs and services; and

WHEREAS, California Constitution, Article XI, Section 3, requires that any charter amendment be approved by a majority of City voters voting at an election called for that purpose; and

WHEREAS, the specific terms of the Charter Amendment/Measure are attached hereto as Exhibit “A” and by this reference made an operative part hereof, and in accordance with all applicable laws.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. Recitals. The City Council of the City of Pomona hereby finds and determines that the foregoing recitals are true and correct, are incorporated herein and by this reference made an operative part hereof.

SECTION 2. Submission of Charter Amendment Measure. The City Council of the City of Pomona, pursuant to its right and authority as contained in California Constitution, Art. XI, Section 3, Pomona City Charter Sections 904 and 1601(a) and California Elections Code Sections 1415 and 9255, and any other applicable requirements of the laws of the State of California relating to charter cities, hereby calls and orders to be held a Municipal General Election in the City of Pomona to be consolidated with the Statewide General Election on Tuesday, November 5, 2024, for the purpose of submitting to a vote of the qualified electors of the City of Pomona the following proposed Charter Amendment:

<p>“Shall the City Charter be amended to require that at least ten percent (10%) of the City’s annual unrestricted general purpose revenues be allocated to children and youth programs and services by Fiscal Year 2030-2031, in addition to the current funding for children and youth programs, and to establish a City Department of Children and Youth to administer funding for said programs and services?”</p>	<p>YES</p>
	<p>NO</p>

SECTION 2. Text of Charter Amendment Measure. The text of the Charter Amendment to be submitted to the voters is attached hereto as Exhibit “A” and incorporated herein by this reference.

SECTION 3. Election Procedures. The City Clerk is authorized, instructed, and directed to procure and furnish, or cause to be procured and furnished, any and all official ballots, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election. In all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 4. Impartial Analysis. Pursuant to Elections Code section 9280, the City Council hereby directs the City Clerk to transmit a copy of the Measure to the City Attorney. The City Attorney shall prepare an impartial analysis of the Measure, not to exceed 500 words in length, showing the effect of the Measure on the existing law and the operation of the Measure, and transmit such impartial analysis to the City Clerk not later than the deadline for submittal of direct arguments for or against the Measure.

The impartial analysis shall include a statement indicating whether the Measure was placed on the ballot by a petition signed by the requisite number of voters or by the City Council. In the event the entire text of the Measure is not printed on the ballot, nor in the voter information guide, there shall be printed immediately below the impartial analysis, in no less than 10-font bold type, the following: **“The above statement is an impartial analysis of Measure _____. If you desire a copy of the ordinance or measure, please call the Office of the City Clerk at (909) 620-2311 and a copy will be mailed at no cost to you.”**

SECTION 6. Notice of Election. Notice of the election is hereby given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

SECTION 7. Placement on the Ballot. The full text of the Measure shall not be printed in the voter information guide, and a statement shall be printed on the ballot pursuant to Elections Code section 9223 advising voters that they may obtain a copy of this Resolution and the Measure, at no cost, upon request made to the City Clerk.

SECTION 8. Filing with County. The City Clerk shall, not later than the 88th day prior to the Municipal General Election to be held on Tuesday, November 5, 2024, file with the Board of Supervisors and the County Registrar of Voters of the County of Los Angeles, State of California, a certified copy of this Resolution.

SECTION 9. Public Examination. Pursuant to Elections Code section 9295, this Measure will be available for public examination for no fewer than ten (10) calendar days prior to being submitted for printing in the voter information guide. The City Clerk shall post notice in the Clerk’s office of the specific dates that the examination period will run.

SECTION 10. CEQA. The City Council hereby finds and determines that the ballot measure relates to organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment, and therefore is not a project within the meaning of the California Environmental Quality Act (“CEQA”) and the State CEQA Guidelines, section 15378(b)(5).

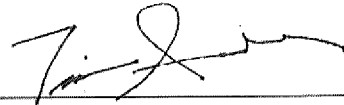
SECTION 11. Severability. The provisions of this Resolution are severable and if any provision of this Resolution is held invalid, that provision shall be severed from the Resolution and the remainder of this Resolution shall continue in full force and effect, and not be affected by such invalidity.

SECTION 12. Effective Date of Resolution. This Resolution shall become effective upon its adoption.

SECTION 13. Certification of Resolution. The City Clerk shall certify to the adoption of this Resolution.

PASSED, APPROVED and ADOPTED this 18th day of March, 2024.

CITY OF POMONA:



Tim Sandoval
Mayor

APPROVED AS TO FORM:



Sonia Carvalho
City Attorney

ATTEST:



Rosalia A. Butler, MMC
City Clerk

I HEREBY CERTIFY that the foregoing Resolution was duly adopted by the City Council of the City of Pomona at a regular meeting thereof, held on the 18th day of March, 2024, by the following vote of Council:

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

A handwritten signature in black ink, appearing to read 'R. Butler', written over a horizontal line.

Rosalia A. Butler, MMC
City Clerk

EXHIBIT "A"

CHARTER AMENDMENT/MEASURE "___"

THE PEOPLE OF THE CITY OF POMONA DO HEREBY AMEND THE POMONA CITY CHARTER AS FOLLOWS:

SECTION 1. Text of Charter Amendment. Subject to the approval of a majority of the voters of the City of Pomona at the scheduled election so designated by City Council resolution placing the proposal on the ballot for such election, the Pomona City Charter is hereby amended to read as set forth in Attachment 1.

Approval, Filing and Recordation of Charter Amendment. Pursuant to California Government Code Section 34460, if approved by a majority of voters, the Mayor and City Clerk shall certify, authenticate and attest to the passage of this Charter Amendment. The City Clerk shall also (i) record one copy of this Charter Amendment with the Los Angeles County Recorder's Office, (ii) file one copy in the City's archives and (iii) file one copy with the California Secretary of State. Each copy recorded with the County Recorder and filed in the City's archives shall also be filed with the following documents:

Certified copies of all publications and notices required of the City by State law in connection with the calling of an election to propose the Charter Amendment.

Certified copies of any arguments for or against the Charter Amendment that were mailed to voters pursuant to California Elections Code Sections 9281 et. seq.

A certified abstract of the vote at the election at which the Charter Amendment was approved by the voters.

Ratification and Effective Date. Pursuant to California Government Code Section 34459, this Charter Amendment shall be deemed ratified if approved by a majority of the eligible voters of the City of Pomona voting at the Municipal General Election of November 5, 2024. However, this Charter Amendment shall not take effect until it has been accepted and filed by the Secretary of State pursuant to Government Code Section 34460.

ATTACHMENT "A"

TEXT OF CHARTER AMENDMENT/MEASURE "___"

1. **Title.** This Act shall be known as the "Pomona Kids First Initiative: The Pomona Fund for Children and Youth Act."
2. **Findings and Statement of Purpose.** The people of the City of Pomona hereby make the following findings and declare their purpose in enacting the Act:
 - a. Children, youth, and young adults under the age of 18 comprise approximately 24% of the City of Pomona's overall population. 16.4% of Pomona's population lives in poverty. Young people in Pomona experience extremely high rates of violence, stress, trauma, and poor health and social outcomes, including harm and death due to violence, poverty, unintended pregnancy, harmful substance use, contact with child welfare, law enforcement and the criminal legal system, suspension, expulsion, and school dropout. Disconnected transitional aged youth, and youth between the ages of 18 and 24 leaving foster care, are especially at risk; they are more likely to experience hardships such as houselessness, joblessness, early parenthood, and substance use.
 - b. Within Pomona Unified School District (PUSD), 90% of students are low-income, 13% of students have a disability, 27% of students are English-learners, 1% of students are foster youth, and 15% of students are unhoused youth. Within PUSD for the 2021-2022 school year, most grade levels are not on track and students are not reading at their grade level, according to Lexile literacy standards. Additionally, only 19% of English-learner students reclassified.
 - c. The total unemployment rate in Pomona is 5.6%, which is nearly double the current national unemployment rate. Youth of color and low-income youth are disproportionately affected by high unemployment and poor education.
 - d. The available recreational space in Pomona is 1.49 acres per 1,000 residents which is 6.61 acres less than the average for Los Angeles County and 51.83 acres less than the best performing city or community in Los Angeles County. According to a community survey conducted by the Chair of the Pomona Youth Commission, 41% of Pomona community residents report that they do not feel safe at parks, 53% believe that parks are not well maintained and do not have any resources to offer them, 62% feel neglected by the city, and 92% think that the city should take action to improve the parks.
 - e. According to the Pomona Students Union's 2020 COVID-19 Community Mental Health Participatory Action Research Project, only 41% of Pomona Youth surveyed are aware of school mental health services. Further, only 24% of those surveyed would feel comfortable accessing school-based mental health services.
 - f. Many of the problems and disparities facing youth in Pomona are a direct result of systemic racism in which discriminatory policies and institutional practices have created

deep inequities across social and economic sectors, systematically disadvantaging Black people, Indigenous people, and people of color. The COVID-19 pandemic has exposed and perpetuated these inequities.

- g. Black, Latinx, and Native American adults have experienced the highest rates of illness and death from COVID-19, negative financial impacts, and poor mental health outcomes, all of which may continue to have long-term adverse mental and physical health effects on children from these communities. The COVID-19 pandemic has also deepened disparities in educational opportunity and achievement, disproportionately impacting students of color, English-learners, students with disabilities and special needs, and Lesbian, Gay, Bisexual, Transgender, Queer and all other young people of marginalized sexualities and genders (LGBTQIA+).
- h. This Act is an attempt to combat the continuing legacy of systemic racism and the damaging effects of the pandemic by establishing a sustainable funding stream that will address the structural and environmental conditions that drive harmful behavior in children, youth and families; strengthen the diverse assets and resilience of children, youth and families; build alternatives to trauma, violence, despair and victimization; supplement rather than supplant existing funding or programs; and form coalitions among public agencies and community non-profit organizations dedicated to supporting children and youth.

3. A new Article XVIII titled "Pomona Fund for Children and Youth" is hereby added to the Pomona City Charter, as follows:

"ARTICLE XVIII – POMONA FUND FOR CHILDREN AND YOUTH.

Section 1801. Fund. Beginning January 1, 2025, there is hereby established in the treasury of the City of Pomona (the "City") a special fund to expand children's services in the City, which shall be called the Pomona Fund for Children and Youth (the "Children and Youth Fund").

Section 1802. Amount and Source of Funding. The City shall set aside a portion of the annual actual unrestricted general purpose revenues of the City to be transferred to the Children and Youth Fund in the amounts specified below.

- a. For the last six months of fiscal year 2024-2025 (January 1, 2025 through June 30, 2025), there is hereby set aside for the Children and Youth Fund, 2% from the City's annual actual unrestricted general purpose revenues for the express purpose of establishing and supporting the infrastructure of the Children and Youth Fund and the newly created Department of Children and Youth, as described in Section 1807, including the development of the Strategic Investment Plan, as described in Section 1808.
- b. For fiscal year 2025-2026, there is hereby set aside for the Children and Youth Fund, 5% of the City's annual actual unrestricted general purpose revenues for the express purpose of establishing and supporting the infrastructure of the Children and Youth Fund and the

newly created Department of Children and Youth, including the development of the Strategic Investment Plan.

- c. For fiscal year 2026-2027, there is hereby set aside for the Children and Youth Fund, 6% of the City's annual actual unrestricted general purpose revenues, together with any interest earned on the Children and Youth Fund and any amounts unspent or uncommitted by the Children and Youth Fund at the end of any fiscal year.
- d. For fiscal year 2027-2028, there is hereby set aside for the Children and Youth Fund, 7% of the City's annual actual unrestricted general purpose revenues, together with any interest earned on the Children and Youth Fund and any amounts unspent or uncommitted by the Children and Youth Fund at the end of any fiscal year.
- e. For fiscal year 2028-2029, there is hereby set aside for the Children and Youth Fund, 8% of the City's annual actual unrestricted general purpose revenues, together with any interest earned on the Children and Youth Fund and any amounts unspent or uncommitted by the Children and Youth Fund at the end of any fiscal year.
- f. For fiscal year 2029-2030, there is hereby set aside for the Children and Youth Fund, 9% of the City's annual actual unrestricted general purpose revenues, together with any interest earned on the Children and Youth Fund and any amounts unspent or uncommitted by the Children and Youth Fund at the end of any fiscal year.
- g. For fiscal year 2030-2031, there is hereby set aside for the Children and Youth Fund, 10% of the City's annual actual unrestricted general purpose revenues, together with any interest earned on the Children and Youth Fund and any amounts unspent or uncommitted by the Children and Youth Fund at the end of any fiscal year.
- h. For each fiscal year thereafter, there is hereby set aside for the Children and Youth Fund, 10% of the City's annual actual unrestricted general purpose revenues, together with any interest earned on the Children and Youth Fund and any amounts unspent or uncommitted by the Children and Youth Fund at the end of any fiscal year.
- i. The Children and Youth Fund shall be maintained separate and apart from all other City funds and shall be appropriated annually at the time of the City's budget adoption, and by supplemental appropriation, when necessary as determined by the City Council.
- j. The annual amount of actual unrestricted general purpose revenues shall be calculated by the City Manager and shall fully include all of the following sources of revenue received by the City: (1) Property Taxes, (2) General Sales and Use Taxes, (3) Utility Users Tax, (4) Property Transfer Tax, (5) Transient Occupancy Tax, (6) Fines, forfeitures and penalties, (7) Interest from general fund reserves, and (8) other revenues that the City can use for any lawful, municipal purpose. The City shall not define which revenues are to be considered unrestricted general purpose revenues in a manner inconsistent with the provisions of this section. Errors in calculation for a fiscal year shall be corrected by an adjustment in the set aside for the next fiscal year.

- k. Before the end of the initial ten-year period, the Children and Youth Fund's effectiveness shall be evaluated and the funding and terms of the Children and Youth Fund shall be presented to the voters for renewal or revision, unless renewed by the City Council.

Section 1803. Goals. The goals of expenditures from the Children and Youth Fund seek:

- a. To ensure that Pomona's children, youth and young adults are physically, emotionally, mentally and socially healthy, educated, successful in school, and live in stable, safe and supported families and communities;
- b. To increase safety for children, youth, young adults, their parents/guardians, families and the communities in which they live by preventing problems and enhancing the strengths of children, youth, young adults and their families using harm reduction strategies that reflect specific individual and community needs, community care models, and alternatives to policing;
- c. To ensure young people, and especially Latinx, Black, Indigenous, and youth of color, queer, transgender, and non-binary youth, and youth with physical, mental, intellectual and/or sensory disabilities are provided with gender responsive, trauma-informed, population-specific and culturally-competent services;
- d. To strengthen collaboration among public agencies and community-based organizations around shared outcomes among all service providers for children, youth, young adults and their parents/guardians;
- e. To ensure an equitable distribution and direct community investment of resources to all of Pomona's young people in recognition of the importance of investment in their futures from birth through young adulthood;
- f. To fill gaps in services and leverage other resources whenever feasible.

Section 1804. Eligible Uses.

- a. The City shall use monies from the Children and Youth Fund only for no cost services provided to children and youth from birth to 18 years old and their caregivers, and, as defined in Section 1804.b., disconnected transitional-aged youth from ages 18 to 24 years and, when relevant, their caregivers, or as part of programs that predominantly serve children, youth and disconnected transitional-aged young adults within those ages and their caregivers, including:
 - i. **Violence Prevention and Response:** including restorative and transformative justice; programs that support positive communication and relationships between young people and within families; programs that train young people, adult allies and parents/guardians in de-escalation; programs that address domestic and sexual violence, including child abuse prevention; emergency relocation; programs that address homophobia, transphobia, bullying, and xenophobia; Violence Prevention

and Response must represent a minimum of at least 1% of the yearly total fund expenses.

- ii. **Alternatives to Incarceration:** including pre-arrest diversion, prevention, and re-entry programs for transitional aged youth and family members that live in a home with an eligible youth, substance use disorder services; and preventing and responding to police violence against children, youth, young adults and their caregivers. Alternatives to Incarceration must represent a minimum of at least 1% of the yearly total fund expenses.
- iii. **Education, Job Training, and Jobs:** including programs that help youth stay in school; promote academic success and college and career readiness; language services; support parents/guardians in advocating for their young people's education; assist in developing life skills and gaining work experience; provide job fairs and job training, placement, expungement services, youth employment, and youth employment know your rights workshops and job opportunities. Youth jobs and wages must represent a minimum of at least 10% of the yearly total fund expenses, including general fund set aside and other revenue sources.
- iv. **Parent/Guardian Support:** including domestic violence services and co-responder models, support services for single parent/guardian led households, family strengthening programs, fostering positive child-adult and youth-adult relationships that support young people's safety, self-esteem, well-being and positive futures; childcare and family support services. Parent/Guardian Support must represent a minimum of at least 1% of the yearly total fund expenses.
- v. **Media, Arts, Culture and Technology:** including artistic and cultural expression and education, job and life skills development, and after school arts programs. Media, Arts, Culture, and Technology must represent a minimum of at least 1% of the yearly total fund expenses.
- vi. **Youth and Family Leadership, Organizing and Civic Engagement:** including community organizing and support that amplify the voices and engagement of children, youth and family in how Pomona prioritizes its resources; builds youth civic engagement and leadership. Youth and Family Leadership, Organizing, and Civic Engagement must represent a minimum of at least 1% of the yearly total fund expenses.
- vii. **Health and Well-Being:** including physical, mental, emotional, behavioral and social health services that support health and well-being for people with disabilities and non-disabled people, reduce drug-related harm, violence and self-harm, and sexual violence and/or abuse; food security programs. Health and Well-Being must represent a minimum of at least 1% of the yearly total fund expenses.
- viii. **Environmental Health and Justice:** including programs that improve the environmental health of children and youth and their right to live free of pollution,

toxins and lead, and increase access to healthy food, safe and accessible outdoor and recreational spaces and other places to be physically active, with a special focus on the Pomona Industrial Zone. Environmental Health and Justice must represent a minimum of at least 1% of the yearly total fund expenses.

- ix. **Outdoor Education and Recreation:** including sports, recreation centers, play, camps, gardening and urban agriculture; including no cost recreation programs. Outdoor Education and Recreation must represent a minimum of at least 1% of the yearly total fund expenses.
 - x. **Deportation and Immigrant Support:** support for young people and their families experiencing or being threatened with deportation; legal services, and empower immigrant community members through economic, political, and social development and sustainability. Deportation and Immigration Support must represent a minimum of at least 1% of the yearly total fund expenses.
 - xi. **Housing Support:** support for young people and their families experiencing or being threatened with eviction or housing insecurities; provide direct housing assistance in collaboration with the Pomona Housing Authority and relevant Pomona unhoused people programs and Pomona Housing Services for youth and disconnected transitional-aged youth; including developing and maintaining at least one unhoused youth shelter within the City by December 2027. Housing Support must represent a minimum of at least 1% of the yearly total fund expenses.
- b. The Children and Youth Fund will prioritize three groups of young people living in Pomona: children ages 0 to 12; youth ages 13 to 17; and Disconnected Transitional-Aged Youth ages 18 to 24, who are most impacted by harm, inequity and lack of access to support and services. The priority populations include but are not limited to: Latinx, Black, Indigenous, and youth of color, system-impacted young people; young people who have been pushed out of school; young people who themselves or whose families are unhoused or threatened by houselessness; young people living in poverty; immigrant and undocumented children, youth and families; LGBTQIA+ youth and families; teen parents and families, including single parents/guardians, especially single mothers; young people with poor physical, mental, emotional and behavioral health outcomes and disabilities; and families with children and youth who are impacted by the criminal justice system and/or who have family members who are incarcerated; and/or are involved in or transitioning from the foster care, juvenile justice, criminal justice or special education systems.
 - c. Entities eligible to receive funding shall be public agencies and non-profit community-based organizations, including organizations with a non-profit fiscal agent, that serve children, youth and disconnected transitional-aged young adults. In any fiscal year, public agencies shall not receive, in total, more than 20% of the funding awarded to applicants.

- d. Commencing in fiscal year 2025 and each fiscal year thereafter through fiscal year 2028-2029, (1) a maximum of ten percent (10%) of the Children and Youth Fund can be used for costs related to administering the Children and Youth Fund, including staff support, basic infrastructure, support for the agencies administering the contracts, and overhead costs; and (2) an additional maximum of five per cent (5%) of the Children and Youth Fund may be used to evaluate the results of this Article.
- e. Entities eligible to receive funding include those (1) located outside but in close proximity to Pomona to the extent that those entities serve children, youth and disconnected transitional-aged young adults who reside in Pomona, and (2) located in Pomona that serve children, youth and disconnected transitional-aged young adults in Pomona, regardless of the residence of the children or youth.

Section 1805. Excluded Services. The Children and Youth Fund shall not fund the following services or types of expenditures:

- a. Services are not to be used by the carceral system, including but not limited to the following non-exhaustive list of agencies: the Pomona Police Department, or other law enforcement agencies, courts, the District Attorney, Public Defender, City Attorney; or the Fire Department; private and/or public detention or probation services mandated by state or federal law;
- b. Any service that primarily benefits adults over 24 years;
- c. Any service for which a fixed or minimum level of expenditure is mandated by state or federal law, to the extent of the fixed or minimum level of expenditure;
- d. Income supports that supplant state or federal benefits or post-secondary tuition assistance;
- e. Administration of other funds.

Section 1806. Children and Youth Baseline Budget. The City shall ensure that the Children and Youth Fund is used exclusively to increase overall City expenditures for eligible services for children, youth and disconnected transitional-aged young adults.

- a. The City Manager, in collaboration with the oversight group, shall calculate the City's total actual unrestricted general purpose revenues in fiscal year 2024-2025, and shall calculate the percentage of those revenues that were allocated in fiscal year 2024-2025 to services that would be eligible uses for monies from the Children and Youth Fund, excluding allocations for services mandated by state or federal law (the "Base Percentage").
- b. Commencing in fiscal year 2024-2025 and each fiscal year thereafter, the City shall allocate at least the Base Percentage of total actual unrestricted general purpose revenues to services that would be eligible uses of the Children and Youth Fund, excluding

allocations for services mandated by state or federal law, and excluding any allocation of revenue required by this Article.

Section 1807. Creation of Department of Children and Youth. The City shall create a Department of Children and Youth (DCY) upon the passage of the Pomona Kids First Initiative. The Office shall operate under the auspices of the City Manager. The Accountability Board for the Children and Youth Fund, described in Section 1809, shall oversee, monitor, and advise the Department. The Department shall be staffed by an Executive Director who is hired and evaluated by the Accountability Board, and who is an employee of the City. Other staff shall be hired by the Executive Director as needed to perform the functions of the Department. The Office shall be funded through the Children and Youth Fund and other city funds as deemed appropriate by the City Council.

Section 1808. Roles and Responsibilities of Department of Children and Youth

1. Administer the Children and Youth Fund — The primary function of the Department shall be to oversee the implementation of the Children and Youth Fund and ensure that the Children and Youth Fund meets the goals and requirements outlined in this initiative.
2. In addition to overseeing and administering the Children and Youth Fund, the Department shall provide leadership to the City on matters related to the health and well-being of children and youth and ensure that children and youth are prioritized by the City, by:
 - i. Monitoring the health and safety and access to equal opportunity of the children and youth of Pomona and reporting findings to the public and civic leaders.
 - ii. Promoting collaboration among public and private city agencies, including schools, to improve outcomes and ensure equity for children and youth.
 - iii. Raising and leveraging public and private resources for services and opportunities for Pomona's children and youth.
 - iv. The role of the Accountability Board will be to develop written policies regarding the Children and Youth Fund, monitor the Children and Youth Fund, ensure that the Children and Youth Fund is managed in a manner accountable to the community, and ensure the highest standards of care and transparency.
 - v. Promoting youth voices in Pomona's civic life, including providing support to the Pomona Youth Commission.
 - vi. Recommending and advocating policies that will promote equity and the well-being of children and youth.

- vii. Submitting a Youth and Family Impact Report as part of every City Council agenda to ensure elected officials take into account the potential impact of agenda items on the overall health and wellbeing of Pomona youth and families.

Section 1809. Administration and Accountability. The Children and Youth Fund shall be administered by staff in a newly established Department of Children and Youth, as described in section 1807 and 1808, within the City Manager's office. Oversight of the Children and Youth Fund shall be provided by a fifteen-member Pomona Fund for Children and Youth Accountability Board (the "Accountability Board") that shall be composed as follows:

- a. Each member of the Pomona City Council shall appoint one City resident who is over 24 years of age as a member and one City resident between 15 to 24 years of age as a member. The Mayor shall appoint one additional City resident between 15 to 24 years of age as member.
- b. The Mayor, Pomona Youth Commission, and City Council members shall coordinate their appointments within their respective districts so that the members of the Accountability Board represent Pomona's diverse geographic communities and specifically empower low-income youth of color, LGBTQIA+ youth and systems impacted youth.
- c. The Accountability Board shall have the following responsibilities, powers, and functions:
 - i. The role of the Accountability Board will be to develop written policies regarding the Children and Youth Fund, monitor the Children and Youth Fund, ensure that the Children and Youth Fund is managed in a manner accountable to the community, and ensure the highest standards of care and transparency.
 - ii. Responsibilities of the Accountability Board shall be:
 - 1. Hiring an executive director of the newly established Department of Children and Youth.
 - 2. Strategic planning: (a) creating an initial Strategic Investment Plan as described under Section 1810, and (b) updating the Strategic Investment Plan every three years.
 - 3. Reviewing applications for funding from the Children and Youth Fund through a transparent and fair application process.
 - 4. Recommending to the City Council a list of grants to be awarded for each funding cycle.
 - 5. Facilitating an annual evaluation: working with a third-party, external independent evaluator to identify relevant evaluation measures and ensure

that programs funded through the Children and Youth Fund are impactful and meet established outcomes. Evaluation reports shall be provided to the City Council and the Mayor's office and made available to the public.

6. Reviewing financial reports and audits to confirm that spending from the Children and Youth Fund is consistent with all provisions of this Article, and that the funds are being managed responsibly.
- iii. The Accountability Board shall adopt rules and regulations to govern its procedures, which shall, among other things, include the manner of calling and giving notices of meetings. The Accountability Board shall meet a minimum of six times per year. Its meetings shall be open to the public and subject to the Ralph M. Brown Act open meetings law. A majority of the regular members shall constitute a quorum. Minutes of the meetings shall be filed with the city clerk.
- iv. The Accountability Board shall be responsible for reporting to the public the services and outcomes supported by the Children and Youth Fund.
- e. The Accountability Board members serve two-year terms, provided that members under age 24 may serve a one-year term. There shall be no limitation on the number of consecutive terms served. The terms of the initial appointees to the Accountability Board shall commence on the date of the first meeting of the Accountability Board, which may occur when at least ten members have been appointed and are present.
- f. If a vacancy occurs during the term of office of any Accountability Board member, the appointing authority shall appoint a successor to complete the unexpired term in the same manner as the selection of the initial member.
- g. In order to provide for staggered terms, eight members shall be chosen by lot, from among those able to serve for two years, to serve for an initial term of two years, with the remaining members to serve for an initial term of one year. Except for appointments to fill a vacancy, all subsequent appointments shall be for a term of two years, provided that members under age 24 may serve a one year term.
- h. Accountability Board members shall not be a paid employee of an organization funded from the Children and Youth Fund or applying for funding from the Children and Youth Fund.

Section 1810. Strategic Investment Plan. Each Strategic Investment Plan shall set forth funding priorities for a three-year period, and shall set forth a plan for overseeing and evaluating the Children and Youth Fund and the programs supported by the Children and Youth Fund. The Department of Children and Youth shall work with the Accountability Board to complete the Strategic Investment Plan and conduct a community needs assessment.

- a. During every third fiscal year beginning with Fiscal Year 2025-2026, the Department of Children and Youth (DCY) and the Youth Commission shall conduct and co-lead a

Community Needs Assessment (CNA) to identify services to receive monies from the Children and Youth Fund. The CNA should include qualitative and quantitative data sets collected through interviews, focus groups, surveys, or other outreach mechanisms to determine service gaps in programming for children, youth, and families. Subject to the budgetary and fiscal provisions of the Charter, the DCY may contract with consultants and outside experts for such services as the department may require to prepare the CNA. The DCY shall undertake a robust community process in every council district, soliciting input from a diverse cross-section of parents, youth, non-profit organizations, and other key stakeholders to develop the CNA.

- i. The CNA shall include an equity analysis of services and resources for parents, children, and youth. The DCY shall develop a set of equity metrics to be used to establish a baseline of existing services and resources in low-income neighborhoods and disadvantaged communities, compared to services and resources available in the City as a whole. The outreach for the CNA shall create opportunities for parents, youth, nonprofit agencies, and other members of the public to provide input. By September 1, the DCY shall provide its plan for conducting the CNA to the Accountability Board and Youth Commission. The plan shall be a public document.
 - ii. By March 1, DCY shall complete a draft CNA and provide this draft to the Accountability Board for review.
 - iii. By April 1, DCY shall submit a final version of the CNA to the Accountability Board. The final version may incorporate any comments or suggestions made by the public or by the agencies that received copies of the draft CNA.
 - iv. By May 1, the Accountability Board shall provide input on, approve or disapprove the CNA. If the Accountability Board disapproves the report, DCY may modify and resubmit the report, provided, however, that the City may not expend monies from the Children and Youth Fund until the City Council has approved the CNA.
- b. The community needs assessment shall consist of an annual hearing that is co-led with the youth commission and involves community-based organizations and community members to gather input on the service needs of various populations and review funding priorities.
- c. Each new funding cycle (every three years), and beginning with Fiscal Year 2025-2026, the CNA shall be followed by a participatory budgeting process. This process shall include a series of budget meetings to provide the opportunity for community members, experts, and volunteers to collectively brainstorm funding ideas and develop project proposals for the three-year funding period. A diligent community outreach shall be executed to ensure community members, experts, and volunteers accurately represent the City's demographic. After four weeks of collaboration, volunteers shall share the top projects/funding priorities at 2 final community hearings, one in-person and one virtual

hearing, where the community shall vote on their preferred proposal that will be recommended to The Department of Children and Youth and the Accountability Board. Both the in-person and virtual community hearing must have translators available and release the hearing agenda 72 hours in advance. The virtual community hearing must have an option to submit electronic votes for the community to share their preferred proposal. This process shall repeat for the next funding cycle.

- d. The funding priorities in the Strategic Investment Plan shall be based on the community needs assessment and take into consideration the project/projects with the most votes from the final community hearing.
- e. The initial Strategic Investment Plan shall be approved by a majority of the Accountability Board and presented to the City Council for its review and approval by September 30, 2025. The Strategic Investment Plan shall take effect no later than June 1, 2026.
- f. Any change in an approved Strategic Investment Plan shall be based on the community needs assessment and input from the community.

Section 1811. Application Process. In order to ensure a stable, fair and effective service delivery system, the Children and Youth Fund shall be implemented as follows:

- a. There shall be three-year planning and funding cycles, with funding beginning in the 2025-26 fiscal year.
- b. Funds shall be allocated through an open and fair application process administered by the Department of Children and Youth in the City Manager's office in compliance with the policies adopted by the Accountability Board. The first application process shall begin no later than February 1, 2026 with funding available for encumbrance no later than July 1, 2026.
- c. Recommendations for a list of grants to be awarded shall be made by the Accountability Board to the City Council. The City Council shall review and consider the recommendations of the Accountability Board. The City Council may reject the recommendations only if it determines that one or more recommendations are inconsistent with this Article or the priorities identified in the Strategic Investment Plan. The City Council shall accept or reject the Accountability Board's recommendations in their entirety and may not partially accept or partially reject the recommendations.
- d. In the event the City Council rejects the list of grants proposed by the Accountability Board, it shall set forth its rationale for such rejection and recommend revisions to the Accountability Board for its consideration and action.
- e. The City Council shall review and consider the amended recommendations of the Accountability Board, provide final approval of the list of grants to be awarded, and appropriate all necessary monies from the Children and Youth Fund. All grants and

appropriations shall be consistent with the provisions of this Article and the Strategic Investment Plan. Any recommendations that have been denied can be amended and brought back to the City Council for a second look.

Section 1812. Fiscal Emergencies. Commencing with fiscal year 2025-26, if a moderate fiscal emergency, as defined in this section, or a severe fiscal emergency, as defined in this section, is deemed to exist by the City Council, the portion of the City's annual actual unrestricted general purpose revenues to be allocated to the Children and Youth Fund shall be reduced as provided in this section. The City Council may deem a moderate fiscal emergency to exist in the event that the City's annual actual unrestricted general purpose revenues for a given fiscal year decrease by greater than ten percent (10%) but less than twenty percent (20%) from the level of such revenues during the previous fiscal year (defined as the "Benchmark Year"), and it may deem the moderate fiscal emergency to continue until the City's annual actual unrestricted general purpose revenues are no longer ten percent (10%) less than the level of such revenues during the Benchmark Year. The City Council may deem a severe fiscal emergency to exist in the event that the City's annual actual unrestricted general purpose revenues for a given fiscal year decrease by twenty percent (20%) or more from the level of such revenues during the Benchmark Year, and it may deem the severe fiscal emergency to continue until the City's annual actual unrestricted general purpose revenues are no longer twenty percent (20%) less than the level of such revenues during the Benchmark Year. If the City Council deems a severe fiscal emergency to exist for a fiscal year, the amount required to be allocated to the Children and Youth Fund shall be reduced by 20%. If the City Council deems a moderate fiscal emergency to exist for a fiscal year, the amount required to be allocated to the Children and Youth Fund shall be reduced by 10%. Allocations to the Children and Youth Fund shall return to the level required in Section 1802 for the first fiscal year in which a fiscal emergency no longer exists. There shall be no reductions in the allocation to the Children and Youth Fund pursuant to this Section 1812 prior to fiscal year 2025-2026.

Section 1813. Reauthorization. The provisions of this Article may be extended without amendments for additional ten-year terms by a simple majority vote of the City Council. If the City Council does not act to extend the provisions of this Article before June 30, 2028, the City Council shall be obligated to place a measure on the November 2028 election ballot seeking voter approval of whether to extend the term for an additional ten years. This process shall be repeated every ten years, or until reauthorization is rejected by a vote of the electorate.

Section 1814. Year of Election Adjustment. In the event this Act is approved by the voters in 2025 or later, the timing of the funding of the Children and Youth Fund, and any other references to specific years, shall be adjusted accordingly.”

4. Enabling Legislation. The City Council may pass enabling legislation consistent with this Article regarding any aspect of the fund implementation not addressed in this Act, including reporting requirements. The City Council shall adopt such legislation to be effective by October 1, 2025, and shall amend such legislation as necessary in the future.

5. Severability. If any provision or part of this Act, or the application of any provision or part to any person or circumstance, is for any reason held invalid or unenforceable by a court of competent jurisdiction, the remaining provisions and parts and their applications shall not be affected, but shall remain in full force and effect, and to this end the provisions and parts of this Act are severable. The People declare that they would have adopted this Act and each provision and part thereof irrespective of the fact that any one or more provision or part may be declared invalid.

6. Interpretation. This Act shall be liberally interpreted to affect its purposes. Nothing in this Act shall be interpreted or applied so as to create any requirement, power or duty in conflict with any State or federal law.

7. Amendment or Repeal. This Act may only be amended or repealed by the affirmative vote of a majority of voters voting in a citywide election.

8. Judicial Enforcement. Any aggrieved person or registered voter in the City of Pomona shall have the right to maintain an action for equitable relief to restrain any violation of this Act, or to enforce the duties imposed on the City by this Act.

9. Legal Defense. The People of the City of Pomona desire that this Act, if approved by the voters, and thereafter challenged in court, be defended by the City of Pomona. The People of the City of Pomona, by enacting this Act, hereby declare that the proponents of this Act have a direct and personal stake in defending this Act from constitutional or statutory challenges to the Act's validity. In the event the City of Pomona fails to defend this Act or fails to appeal an adverse judgement against the constitutionality or statutory permissibility of this Act, the Act's proponents shall be entitled to assert their direct and personal stake by defending the Act's validity in any court.