

Pomona Kids First Initiative: The Pomona Fund for Children and Youth

Be it ordained by the People of the City of Pomona:

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 25% of the City of Pomona's overall population. 17.9% of Pomona's population live below the poverty level. 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, youth between the ages of 18 and 24 leaving foster care, are especially at risk; they are more likely to experience hardships such as homelessness, joblessness, early parenthood, and substance use.
 - b. Within Pomona Unified School District (PUSD), 98% of students are low-income, 29.4% of students have a disability, 29.4% of students are English-learners, 2.5% of students are foster youth, and 9.3% of students are homeless youth. Within PUSD for the 2018-2019 school year, only seven schools out of 187 (spanning second-twelfth grade) are on track as determined by their Lexile literacy scores. Additionally, only 5.9% of English-learner students are reclassified, which is 6.1% of points below the state average.
 - c. The total unemployment rate in Pomona is 12.4% which is more than double the current national unemployment rate. Youth of color and low-income youth are disproportionately affected by high unemployment and poor education. High school dropout rates for African American and Latinx youth are significantly greater than white youth, and the unemployment rate for African American young adults in May 2021 was 12.1%, which is notably higher than the total youth unemployment rate which was 9.6%.
 - d. The available recreational space in Pomona is 1.49 acres per 1,000 population 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. 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 LGBTQ+ students.
- 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:

Section 1. Fund. Beginning January 1, 2023, 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 2. 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 2022-2023 (January 1, 2023 through June 30, 2023), there is hereby set aside for the Children and Youth Fund, 1% 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 7, including the development of the Strategic Investment Plan, as described in Section 8.
- b. For fiscal year 2023-24, 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 2024-2025, 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 2025-2026, 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 2026-2027, 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 2027-2028, 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 2028-2029, 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 3. 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 4. Eligible Uses.

- a. The City shall use monies from the Children and Youth Fund only for services provided to children and youth from birth to 18 years old and their caregivers, and, as defined in Section 4.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;

- 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.
- 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 training, placement, and job opportunities. Youth jobs and wages must represent a minimum of at least 10% of the yearly total fund revenue, including general fund set aside and other revenue sources.
- iv. **Parent/Guardian Support:** including domestic violence services and co-responder models, 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.
- v. **Media, Arts, Culture and Technology:** including artistic and cultural expression and education, job and life skills development, after school arts programs.
- 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.
- 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 harmful sexual behavior.
- 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.
- ix. **Outdoor Education and Recreation:** including sports, recreation centers, play, camps, gardening and urban agriculture; including free and reduced-price recreation programs.

- x. **Deportation and Immigrant Support:** support for young people and their families experiencing or being threatened with deportation; empower immigrant community members through economic, political, and social development and sustainability.
 - xi. **Housing Support:** support for young people and their families experiencing or being threatened with homelessness; provide direct housing assistance in collaboration with the Pomona Housing Authority and relevant Pomona Homeless Programs and Pomona Housing Services for youth and disconnected transitional-aged youth; including developing and maintaining at least one homeless youth shelter within the City and supporting youth programs within the Hope for Home Homeless Services Center.
- 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 homeless or threatened by homelessness; young people living in poverty; immigrant and undocumented children, youth and families; Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) youth, youth and families; teen parents and families, including 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 2023 and each fiscal year thereafter through fiscal year 2026-2027, (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 5. 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 any carceral system or law, including the Pomona Police Department, or other law enforcement agencies, courts, the District Attorney, Public Defender, City Attorney; or the Fire Department; 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 6. 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 the City's total actual unrestricted general purpose revenues in fiscal year 2021-2022, and shall calculate the percentage of those revenues that were allocated in fiscal year 2021-2022 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 2023-2024 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 7. 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 Oversight Board for the Children and Youth Fund, described in Section 8, shall oversee, monitor, and advise the Department. The Department shall be staffed by an Executive Director who is hired and evaluated by the Oversight 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 8. 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 the 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 Oversight 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 voice 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 9. Administration and Oversight. The Children and Youth Fund shall be administered by staff in a newly established Department of Children and Youth, as described in section 7 and 8, 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 Oversight Board (the "Oversight 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 Oversight Board represent Pomona's diverse geographic communities and specifically empower low-income youth of color and LGBTQ+ youth.

- d. The Oversight Board shall have the following responsibilities, powers, and functions:
- i. The role of the Oversight 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 Oversight Board shall be:
 1. Hire 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 8, 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 Oversight 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 Oversight 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 Oversight Board shall be responsible for reporting to the public the services and outcomes supported by the Children and Youth Fund.
- e. The Oversight 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 Oversight Board shall commence on the date of the first meeting of the Oversight 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 Oversight 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. Oversight Board members that are over 24 years of age 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 10. 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 Oversight Board to complete the Strategic Investment Plan and conduct a community needs assessment.

- a. During every third fiscal year beginning with Fiscal Year 2023-2024, 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 Oversight 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 Oversight Board for review.
 - iii. By April 1, DCY shall submit a final version of the CNA to the Oversight 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.

- v. By May 1, the Oversight Board shall provide input on, approve or disapprove the CNA. If the Oversight 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 2023-2024, 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. After four weeks of collaboration, volunteers shall share the top projects/funding priorities at a final community hearing where the community shall vote on their preferred proposal that will be recommended to The Department of Children and Youth and the Oversight Board. 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 Oversight Board and presented to the City Council for its review and approval by September 30, 2023. The Strategic Investment Plan shall take effect no later than June 1, 2024.
- f. Any change in an approved Strategic Investment Plan shall be based on the community needs assessment and input from the community.

Section 11. 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 2023-24 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 Oversight Board. The first application process shall begin no later than February 1, 2024 with funding available for encumbrance no later than July 1, 2024.
- c. Recommendations for a list of grants to be awarded shall be made by the Oversight Board to the City Council. The City Council shall review and consider the recommendations of the Oversight 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 Oversight 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 Oversight Board, it shall set forth its rationale for such rejection and recommend revisions to the Oversight Board for its consideration and action.
- e. The City Council shall review and consider the amended recommendations of the Oversight 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 12. 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 2 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 10 prior to fiscal year 2025-2026.

Section 13. 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, 2026, the City Council shall be obligated to place a measure on the November 2026 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 14. Year of Election Adjustment. In the event this Act is approved by the voters in 2023 or 2024, 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, 2023, 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.