



# City of Culver City

Mike Balkman  
Council Chambers  
9770 Culver Blvd.  
Culver City, CA 90232  
(310) 253-5851

## Staff Report Details (With Text)

**File #:** 23-92      **Version:** 1      **Name:** Discussion Regarding Inactive DAC member  
**Type:** Minute Order      **Status:** Action Item  
**File created:** 8/2/2022      **In control:** DISABILITY ADVISORY COMMITTEE  
**On agenda:** 8/10/2022      **Final action:**  
**Title:** (1) Discussion Regarding Deeming Disability Advisory Committee (DAC) Vice Chair Jorge Sandoval as Inactive, in Accordance with DAC Bylaws Section II.D; and (2) If Desired, Request that Parks, Recreation and Community Services Department Staff Draft and Transmit a Letter Notifying Him of the DAC's Decision and, if Applicable, the Process for Submitting an Appeal.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 2022-08-10 - ATT 1 Disability Advisory Committee Bylaws.pdf

Date	Ver.	Action By	Action	Result
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**(1) Discussion Regarding Deeming Disability Advisory Committee (DAC) Vice Chair Jorge Sandoval as Inactive, in Accordance with DAC Bylaws Section II.D; and (2) If Desired, Request that Parks, Recreation and Community Services Department Staff Draft and Transmit a Letter Notifying Him of the DAC's Decision and, if Applicable, the Process for Submitting an Appeal.**

**Meeting Date:** August 10, 2022

**Contact Person/Dept:** Jill Thomsen/PRCS

**Phone Number:** (310) 253-6722

**Fiscal Impact:** Yes ☐ No ☒

**General Fund:** Yes ☐ No ☐

**Public Hearing:** ☐

**Action Item:** ☒

**Attachments:** Yes ☒ No ☐

**Public Notification:** (E-Mail) Parks, Recreation & Community Service Department Updates (08/05/2022); (E-Mail) Meetings and Agendas - Disability Advisory Committee (08/05/2022)

**Department Approval:** Armando Abrego, PRCS Director (08/05/2022)

## **RECOMMENDATION**

Staff recommends the Disability Advisory Committee (1) discuss deeming Disability Advisory Committee (DAC) Vice Chair Jorge Sandoval as inactive, in accordance with DAC Bylaws Section II.D; and (2) if desired, request that Parks, Recreation and Community Services Department Staff

draft and transmit a letter notifying him of the DAC's decision and, if applicable, the process for submitting an appeal.

## **BACKGROUND**

### **Committee Member Attendance Guidelines**

On September 25, 2017, the City Council adopted Resolution 2017-R086, approving the Policy on Commissions, Boards and Committees (CBCs). An excerpt of a subsection of Section IV "Code of Conduct," titled "CBC Member Attendance and Forfeiture of Seat" is provided below:

*Any Member who is absent from three consecutive meetings of their respective CBC or a total of five meetings in any six-month period shall automatically forfeit his or her membership on said CBC, provided, however, that there shall be no such forfeiture in the event of any of the following:*

- (1) When a Member is unable to attend due to illness or physical incapacity.*
- (2) When the City Council has determined before forfeiture that an absence was justified.*

*For purposes of this Policy, attendance at a meeting shall be established when a Member is present for a minimum of 50% of the duration of the meeting. Duration of the meeting shall be the total time period elapsed from the convening of the meeting until the adjournment of the meeting, including any recesses.*

On May 8, 2017, the City Council adopted Resolution 2017-R040 adopting the Culver City Disability Advisory Committee Bylaws (Attachment 1). The DAC had previously reviewed the Bylaws and recommended them for approval by the City Council.

The following subsections of DAC Bylaws Section II, "Organization," reference Member absences and the procedure for removal:

#### **D. Absence of Committee Members:**

*Any Committee member who has two consecutive unexcused absences from a regular meeting, shall be deemed inactive and may be subject to referral to the City Council for consideration of removal, as set forth in Section II.F of these Bylaws.*

#### **E. Appointments to Fill Vacancies:**

*If a vacancy occurs, the City Council may, but shall not be required to, appoint a qualified replacement for the remainder of the term for that seat.*

#### **F. Removal:**

- 1. Any member of the Committee may be removed at any time and without cause by a majority vote of the City Council.*
- 2. A Committee Member who is deemed to be inactive in accordance with Section II.D of these Bylaws shall be given written notice of such determination and may appeal such*

*determination at the next meeting of the Committee. If the Committee, by a majority vote of the Members present, pass a motion the inactive Member will be referred to the City Council for consideration for removal.*

### June 8, 2022 DAC Discussion Regarding Member Absenteeism

During the discussion of Disability Advisory Committee Ad Hoc Subcommittee updates at the June 8, 2022, meeting, members brought up the issue of chronic absenteeism by DAC Vice Chair Jorge Sandoval. Staff confirmed that although Vice Chair Sandoval had been notified about meetings by both telephone and email, he never responded to let staff know that he was unable to attend meetings.

DAC members asked to send a letter to the City Council to share the DAC's intention to declare Member Sandoval inactive pursuant to the criteria outlined in the DAC Bylaws (excerpted above) and recommend to the City Council that he be removed from the DAC. However, before such a letter may be sent to the City Council, the DAC member's status must be agendized, discussed and determined at a public meeting. Following the DAC's decision regarding the member's status, he must be given the opportunity to "...*appeal such determination at the next meeting of the Committee*" [DAC Bylaws Section II.F.(2)].

## DISCUSSION

### Mr. Jorge Sandoval's Non-Responsiveness

Staff has reached out to Mr. Sandoval on multiple occasions via telephone, text and email but he has failed to respond. This total lack of communication is concerning. However, if his non-responsiveness is not related to any type of emergency or health-issue, it could be considered as a minor misconduct that, if repeated, could become enough to consider his removal from the DAC regardless of his absences. If the DAC decides to deem Mr. Sandoval as inactive, at the request of the Committee, staff will send a letter to the physical address that is on file for him.

### Mr. Jorge Sandoval's Attendance Record

The regular meeting schedule of the DAC is the second Wednesday of even-numbered months. The following is a list of the DAC meetings from June 2021 through June 2022. Those **regular meetings** that Vice Chair Sandoval did not attend are listed in **bold font**.

June 9, 2021 - Regular Meeting; Mr. Sandoval attended.  
August 11, 2021 - Regular Meeting; Mr. Sandoval attended.  
September 22, 2021 - Special Meeting; Mr. Sandoval did not attend.  
October 6, 2021 - Special Meeting; Mr. Sandoval did not attend.  
~~October 13, 2021 - Regular Meeting; Meeting cancelled.~~  
December 8, 2021 - Regular Meeting; Mr. Sandoval attended.  
**February 9, 2022 - Regular meeting; Mr. Sandoval did not attend.**  
~~April 13, 2022 - Regular Meeting; Meeting cancelled.~~  
**June 8, 2022 - Regular meeting; Mr. Sandoval did not attend.**

Since the April 13, 2022, DAC Regular Meeting was cancelled, the regular meetings on February 9,

and June 8, 2022, could be considered as consecutive meetings. Therefore, the minimum requirement to be deemed inactive of “...*two consecutive unexcused absences from a regular meeting...*” set forth in the DAC Bylaws has been met.

Mr. Sandoval missed two consecutive regular meetings and two consecutive special meetings for a total of four missed meetings. Since the DAC meets bi-monthly instead of monthly, the CBC criterion regarding being “*absent...from five meetings in any six-month period...*” may not directly apply to DAC members. However, Mr. Sandoval attended only three meetings out of seven that were held within a year. It seems that this number of absences falls within the spirit of the CBC attendance policy. That is, taking into consideration the DAC’s limited meeting schedule as compared to that of other Culver City Commissions, Boards and Committees, the number of meetings he missed equates to a similar pattern set forth in the CBC policy.

## **FISCAL ANALYSIS**

There is no fiscal impact associated with this discussion.

## **ATTACHMENT**

1. 2022-08-10 - ATT 1 Disability Advisory Committee Bylaws

## **MOTIONS**

That the Disability Advisory Committee:

1. Discuss deeming Disability Advisory Committee (DAC) Vice Chair Jorge Sandoval as inactive, in accordance with DAC Bylaws Section II.D; and
2. If desired, request that Parks, Recreation and Community Services Department Staff draft and transmit a letter notifying him of the DAC’s decision and, if applicable, the process for submitting an appeal.