



City of Culver City

Mike Balkman Council
Chambers
9770 Culver Blvd.
Culver City, CA 90232

Staff Report

File #: 19-192, **Version:** 1

Item #: A-5.

CC - (1) Consideration of a Recommendation from the Culver City Disability Advisory Committee to Remove a Member Who Has Been Deemed Inactive; and, (2) [If Desired] Appointment of a New DAC Member from the Existing List of Applicants to Fill the Seat.

Meeting Date: September 11, 2018

Contact Person/Dept: Corey Lakin/PRCS

Phone Number: (310) 253-6682

Fiscal Impact: Yes ☐ No ☒

General Fund: Yes ☐ No ☒

Public Hearing: ☐

Action Item: ☒

Attachments: Yes ☒ No ☐

Public Notification: (Email) Meetings and Agendas - City Council (09/04/18); (Email) Meetings and Agendas - Disability Advisory Committee (09/04/18); (Email) Ms. Barbara Effros-Schwartz, Ms. Carmen Ibarra and Ms. Lisette Palley (09/04/18)

Department Approval: Corey Lakin, PRCS Director (08/21/18)

RECOMMENDATION

Staff recommends the City Council (1) consider the recommendation from the Culver City Disability Advisory Committee (DAC) to remove a Member who has been deemed inactive; and, (2) [if desired] appoint a new DAC Member from the existing list of applicants to fill the seat.

BACKGROUND

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. 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.

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.*

DISCUSSION

DAC Recommendation for the Removal of a Member

At the June 4, 2018 City Council meeting, DAC Chairperson Dr. Jay Shery brought the issue of chronic absenteeism on the DAC to the City Council's attention. At the June 25, 2018 meeting, the City Council made appointments to the City's Commissions, Boards and Committees. At that meeting, DAC Chair Dr. Jay Shery informed the City Council that at the June 13, 2018 DAC meeting, a motion had been passed to notify two DAC Members that it was the DAC's intention to declare them inactive pursuant to the criteria outlined in the DAC Bylaws (excerpted above). These Members had the opportunity to appeal to the DAC and state their cases for retaining their seats at the August 8, 2018 DAC meeting.

At the August 8, 2018 DAC meeting, one of the Members with attendance issues appealed successfully and was able to retain a seat on the DAC. Ms. Barbara Effros-Schwartz was not present at the meeting. Pursuant to the process set forth in the DAC Bylaws, a motion was passed to deem her inactive and recommend to the City Council that she be removed from the DAC (seven

affirmative votes and one in opposition, with DAC Member Marcy Sookne dissenting).

Ms. Effros-Schwartz' 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 2017 until the present with Ms. Effros-Schwartz' attendance noted:

- February 8, 2017^a
- April 12, 2017^a
- June 14, 2017 (meeting cancelled)
- July 12, 2017 (special meeting; Ms. Effros-Schwartz did not attend)
- August 9, 2017^b
- October 11, 2017
- December 13, 2017^c
- February 7, 2018^c
- March 7, 2018 (special meeting; Ms. Effros-Schwartz did not attend)
- April 11, 2018 (excused absence)
- June 13, 2018^d
- August 8, 2018^d

^a Ms. Effros-Schwartz did not attend these two consecutive regular meetings.

^b Ms. Effros-Schwartz did not attend this regular meeting.

^c Ms. Effros-Schwartz did not attend these two consecutive regular meetings.

^d Ms. Effros-Schwartz did not attend these two consecutive regular meetings.

Based on the information above, which has been verified by staff, Ms. Effros-Schwartz missed two consecutive regular meetings on three separate instances over a nineteen month period. This exceeds the minimum requirement to be deemed inactive of “...two consecutive unexcused absences from a regular meeting...” set forth in the DAC Bylaws.

The CBC attendance requirement does not distinguish between absences at regular versus special meetings as do the DAC Bylaws. If Ms. Effros-Schwartz' absence at the March 7, 2018 special meeting is taking into consideration, then she also meets the CBC criterion of three consecutive absences. 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, counting her absences at special meetings, Ms. Effros-Schwartz has missed nine out of past eleven DAC meetings (with credit for the excused absence on April 11, 2018). In fact, she has only attended one meeting during the past nineteen month period.

Appointment of a New DAC Member

If the City Council deems that Barbara Effros-Schwartz should forfeit her DAC seat due to lack of attendance, the Council may wish to appoint a new DAC Member from the existing list of applicants to fill the seat. On June 25, 2018, there were five applicants for two available DAC seats. Two of the

applicants were reappointed to the DAC and one was appointed to the Landlord-Tenant Mediation Board. Staff reached out to the two remaining applicants, Ms. Carmen Ibarra and Ms. Lisette Palley, and both were still very interested in becoming members of the DAC. These individuals have been informed of this evening's discussion and given the opportunity to attend tonight's meeting, if available to do so. The redacted CBC applications of Ms. Carmen Ibarra and Ms. Lisette Palley are provided as Attachment 1.

FISCAL ANALYSIS

There is no fiscal impact associated with this discussion.

ATTACHMENT

1. 2018-09-11 - ATT 1 Redacted 2018 CBC Applications of C. Ibarra and L. Palley

MOTION

That the City Council:

1. Consider the recommendation from the Culver City Disability Advisory Committee to remove a Member who has been deemed inactive; and.
2. [If Desired] appoint a new DAC Member from the existing list of applicants to fill the seat.