



City of Culver City

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Staff Report

File #: 22-639, **Version:** 1

Item #: A-4.

CC - (1) Discussion of Alleged Committee Member Misconduct and Possible Disciplinary Action up to and Including Removal from the Committee; and (2) Direction to the City Manager as Deemed Appropriate

Meeting Date: January 24, 2022

Contact Person/Dept: Jeremy Green/City Clerk
Tevis Barnes/CDD - Housing

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Fiscal Impact: Yes ☐ No ☒

General Fund: Yes ☐ No ☒

Public Hearing: ☐ **Action Item:** ☒ **Attachments:** ☐

Commission Action Required: Yes ☐ No ☒ **Date:**

Public Notification: (E-Mail) Meetings and Agendas - City Council (01/20/2022)

Department Approval: Jesse Mays, Assistant City Manager (01/19/2022);
Sol Blumenfeld, Community Development Director (01/13/2022)

RECOMMENDATION

Staff recommends the City Council (1) discuss allegations of Committee Member misconduct and possible disciplinary action up to and including removal from the Committee; and (2) provide direction to the City Manager as deemed appropriate.

BACKGROUND/DISCUSSION

On November 11, 2021, Housing Division staff received a complaint alleging misconduct by Mark Lipman, a member of the Advisory Committee on Housing and Homelessness (Committee). Mr. Lipman was appointed to the Committee in 2018 and is serving his first term, which expires on June 30, 2022. Mr. Lipman is also a member of the Technical Advisory Committee (TAC) on Housing related to work on the General Plan Update.¹

Allegations of Misconduct

Allegations of misconduct include incidents of domestic violence committed in 2020 by Mr. Lipman against an individual he was living with at the time. Police responded to the residence regarding reports of domestic violence on August 22 and November 22, 2020, with no arrest or prosecution. On December 23, 2020, police were called to the property again and Mr. Lipman was arrested on charges of domestic violence; however, no charges were filed by the Los Angeles District Attorney. As a result of the December 23rd incident, the victim requested and was granted an Emergency Protective Order (EPO), which has since expired.

The complainant also alleges Mr. Lipman was dishonest during a meeting of the Democratic Club when speaking about the circumstances of his unhoused status. During the discussion, Mr. Lipman stated he was the victim of eviction. Complainant alleges this was a dishonest statement, based on the circumstance of Mr. Lipman being arrested for domestic violence and not permitted to return to the residence due to the emergency protective order.

Applicable Rules

City Council Policy

City Council Policy No. 3002 requires that Member misconduct be reported to the City Council and includes the following relevant provisions:

- Commission, Board and Committee (CBC) members serve at the pleasure of the City Council.
- Once appointed, a CBC Member no longer acts solely as a private citizen, but a representative of the City. His/her conduct must be consistent with the obligations of public office.
- As representatives of the City Council and the City, it is important that CBC Members set an example of conduct appropriate for their key roles.

The Policy further sets forth procedures for the handling of misconduct and provides examples of minor misconduct (i.e., lack of compliance with procedural and administrative requirements) and major misconduct (i.e., violation of City policies).

While the Policy presents examples of misconduct, the determination of what, if any, discipline to impose, up to and including removal from a CBC, shall be at the sole discretion of the City Council.

In accordance with the Policy, if the City Council determines, in its sole discretion, that a CBC Member may have allegedly acted in a manner inconsistent with the law or City policies, the City Council may impose any or all of the following:

1. Provide direction to the City Manager to meet with the CBC Member(s) to informally investigate alleged misconduct and provide counseling to the CBC Member(s) to indicate behavior consistent with law and this Policy.
2. Provide direction to the City Manager to formally investigate CBC Member misconduct and report findings to the City Council.
3. Require the CBC Member to appear before the City Council at a public meeting to hear charges of misconduct.
4. Determine, in the City Council's sole discretion and with or without cause, to remove a CBC

Member from his/her seat. Such removal shall only be effective upon a four-fifths vote of the City Council.*

*Note, the four-fifths vote requirement is inconsistent with the Committee Bylaws (see below), which only requires a majority vote. Per the CBC Policy, where there is a conflict between the CBC Policy and the Bylaws for the specific CBC body, the CBC Policy would control. Also, of note, a simple majority vote is required to remove a Commissioner per the CCMC.

Committee Bylaws

The following are applicable provisions of the current Bylaws of the Committee, most recently updated on July 12, 2021 by Resolution No. 2021-R070:

- The primary goal of the Committee is to advocate for solutions to end homelessness, and for methods and means for improving the quality of housing and life for all individuals.
- All members shall serve at the pleasure of the City Council and may be removed at any time, and without cause, by a majority vote of the City Council. (*See note above regarding conflict with the CBC Policy.*)

Council Direction

Staff recommends the City Council discuss this matter and possible disciplinary action, if any, up to and including removal from the Committee, and provide direction to the City Manager. If the City Council determines to remove Mr. Lipman from the Committee, the City Council should also provide input as to whether Mr. Lipman's membership and participation in the TAC should also be discontinued.

FISCAL ANALYSIS

There is no fiscal impact association with this agenda item.

ATTACHMENTS

2022-01-24_ATT_Council Policy 3002

MOTION

That the City Council:

1. Discuss allegations of Committee Member misconduct and possible disciplinary action up to and including removal from the Committee; and
2. Provide direction to the City Manager as deemed appropriate.

NOTES

¹The various TACs are not appointed by the City Council. Staff conducted a survey where individuals nominated themselves and others. The respondents ranked which topics they were interested in and staff sorted them into the six different TACs accordingly (Arts and Culture; Economic Development; Housing; Sustainability, Health, Parks, and Public Spaces; Transportation and Mobility; and Policing and Public Safety).