



City of Sacramento City Council

2

915 I Street, Sacramento, CA, 95814
www.CityofSacramento.org

Meeting Date: 11/29/2011

Report Type: Consent

Title: Removal of a Member from the Mechanical & Plumbing Code Advisory and Appeals Board

Report ID: 2011-00976

Location: Citywide

Recommendation: Approve the removal of Daniel Yoshpe from the Mechanical & Plumbing Code Adv and Appeals Board for non-filing of a Statement of Economic Interests form.

Contact: Stephanie Mizuno, Assistant City Clerk, 808-8093, City Clerk's Office

Presenter: N/A

Department: City Clerk

Division: City Clerk

Dept ID: 04001011

Attachments:

1-Description/Analysis
2-Background

City Attorney Review

Approved as to Form
Matthew Ruyak
11/9/2011 1:48:10 PM

Approvals/Acknowledgements

Department Director or Designee: Stephanie Mizuno - 11/8/2011 2:54:56 PM



Description/Analysis

Issue: Failure to file a Statement of Economic Interests form is considered good cause for removal of a board member as contained in the City's Conflict of Interest Code and City Charter.

Policy Considerations: The action is consistent with the City's Conflict of Interest Code Resolution 2010-071, Section 1000 and City Charter Article XV, Section 232.

Environmental Considerations: None.

Sustainability: None.

Commission/Committee Action: None.

Rationale for Recommendation: Removing a member for failure to file a Statement of Economic Interests form provides the City with the opportunity to fill the seat with a person who is fully committed to the responsibilities of membership. When a member does not file a conflict of interest statement, the public is denied the ability to confirm whether the member has a potential conflict in the decision making process, and whether that member is acting in the best interest of the community.

Financial Considerations: None.

Emerging Small Business Development (ESBD): None.



Background:

As a member of the Mechanical and Plumbing Code Advisory and Appeals Board, Daniel Yoshpe is required to file an annual Statement of Economic Interests Form 700. The member has failed to meet this requirement after the following written notifications: Notice of Annual Filing, dated 2/28/11; Notice of Late Annual Filing, dated 5/10/11, and e-mail reminder sent 6/15/11. In addition to written notices, staff had telephone conversations with the member on 6/13/11, 6/30/11, 7/6/11, and 7/11/11.

As a result of non-compliance, a certified letter was mailed to the member on 10/26/11, notifying him that the City is invoking its right to remove him from the Mechanical and Plumbing Code Advisory and Appeals Board. This letter included the intent to remove at the City Council meeting of November 29, 2011, steps on how to respond to the action, and specific notice of failure to file provided by the City Clerk's office.

As required by the City Charter, this notice was provided at least 10 days prior to the Council Meeting.

Charter and Resolution References:

Sacramento City Charter section 232 (Removal of members of boards and commissions):

“For good cause, neglect of duty or misconduct in office, a member of a city board or commission who has been appointed for a specified term by the city council or by the mayor with the approval of the city council, may be removed from office during such term by the city council. Such member may be removed only after such member has been given a copy of the charges against such member at least ten days prior to a hearing to be held on the charges. At the hearing the member shall have an opportunity to be heard in person or by counsel.”

Conflict of Interest Code (Resolution No. 2010-071), Section 1000:

“Any board or commission member who fails to timely file a required statement of economic interests is subject to fine in accordance with the provisions of the Political Reform Act of 1974, together with any other penal or remedial measure authorized by that Act. [¶] . . . If the member's failure to file and/or pay the associated fine persists for more than sixty (60) days after the final filing date, the member may be removed from the board or commission pursuant to the procedures specified in City Charter Section 232.”

Sixty (60) days after the filing deadline was July 1, 2011.