

City of Sacramento

Legislation Text

File #: 2020-00087, **Version:** 1

Title:

Removal of Member from the Housing Code Advisory and Appeals Board

File ID: 2020-00087

Location: Citywide

Recommendation:

Pass a Motion removing Kevin McKinley from the Housing Code Advisory and Appeals Board for good cause.

Contact: Wendy Klock-Johnson, MMC, Assistant City Clerk, (916) 808-7509; Marilyn Fisher, Program Specialist, (916) 808-7513, Office of the City Clerk.

Presenter: None

Attachments:

1-Description/Analysis

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Issue Detail: City Charter section 232 provides that a member of a board or commission may be removed during their term by City Council for good cause. City Code section 2.40.100 states that the failure of any member of any board or commission to attend three consecutive regular meetings shall be deemed good cause for removal from office under the provisions of Section 232 of the Sacramento City Charter.

Policy Considerations: This action is consistent with City Charter section 232 and City Code section 2.40.100.

Economic Impacts: None.

Environmental Considerations: None.

Sustainability: None.

Commission/Committee Action: None.

Rationale for Recommendation: It is essential that each member of a board or commission is fully committed to attendance of regularly scheduled meetings to ensure the ability of the board or commission to conduct business in a timely manner. The public's trust in a member's ability to serve on a board or commission is compromised when the member fails to comply with the vital requirement of attending scheduled meetings. Removing a member from their service on a City board or commission provides the City with the opportunity to appoint a member to the seat who is fully committed to the responsibilities of membership.

Financial Considerations: None.

Local Business Enterprise (LBE): None.

Background: City Charter section 232 provides:

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.

Mr. Kevin McKinley's second term on the Housing Code Advisory and Appeals Board commenced on March 29, 2016. Since 2018, Mr. McKinley has been absent for fifty-seven percent of the scheduled meetings. Mr. McKinley was absent on 02/14/2018, 04/11/2018, 05/09/2018, 11/14/2018, 12/12/2018, 04/10/2019, 07/10/2019, 08/14/2019, 09/11/2019, 10/09/2019, and 11/13/2019).

After several reminder notices that his attendance was impacting the ability of the Housing Code Advisory and Appeals Board to conduct business in a timely fashion, Mr. McKinley has failed to respond all attempts to reach him. On November 19, 2019 via certified US mail a letter advising of disqualification from serving on the Housing Code Advisory and Appeals Board was sent. The certified mail confirmation was returned to the Clerk's Office showing that Mr. McKinley was in receipt of the letter. The November 19, 2019 letter sought Mr. McKinley to confirm his future attendance on the board or submit his resignation by November 26, 2019. A certified letter advising Mr. McKinley that removal proceedings had begun was sent to him on December 2, 2019. The letter has not been responded to, and additional attempts to reach Mr. McKinley via phone and US mail have been unsuccessful.

Mr. McKinley has not responded to several reminders regarding his lack of attendance of the Housing Code Advisory and Appeals Board. To date he has failed to confirm his future attendance or submit his resignation despite the City Clerk's Office advising him of pending removal from the Housing Code Advisory and Appeals Board.