



# REPORT TO COUNCIL

## City of Sacramento

915 I Street, Sacramento, CA 95814-2604  
www.CityofSacramento.org

Consent  
September 11, 2007

Honorable Mayor and  
Members of the City Council

**Title:** Removal of a Member from the Del Paso Heights Redevelopment Advisory Committee

**Location/Council District:** Citywide

**Recommendation:** Approve the removal of Rickey Tates from the Del Paso Heights Redevelopment Advisory Committee for the non-filing of a Statement of Economic Interests form.

**Contact:** Stephanie Mizuno, Assistant City Clerk, 808-8093; Shirley Concolino, City Clerk, 808-5442.

**Presenters:** N/A

**Department:** City Clerk's Office

**Division:** N/A

**Organization No:** 0700

### 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 2007-112, Section 1000 and City Charter Article XV, Section 232.

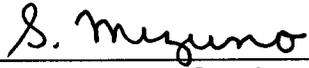
**Environmental Considerations:** None.

**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 a 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.

Respectfully Submitted by:   
Stephanie Mizuno,  
Assistant City Clerk

Recommendation Approved:

  
Shirley Concolino  
City Clerk

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**Background:**

On August 13, 2007, the City Clerk's Office mailed a certified letter notifying Rickey Tate of the City's intent to remove him from the Del Paso Heights Redevelopment Advisory Committee for failure to file a required Statement of Economic Interests form. This letter included notice of the pending action, steps on how to respond to the action, and the dates on which the Clerk's Office provided notice of the filing requirement. The written notification dates were 3/28/07, 4/17/07, 6/15/07 (disqualified from participating on the committee), and the telephone contact dates were 4/23/07 as well as attempts by the Board contact.

As required in the City Charter, the notice was provided at least 10 days prior to this meeting.

Charter and Resolution References:

§ 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.

Resolution 2007-112, 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.

Where the board or commission member's failure to file persists for more than thirty (30) days after the final filing date, the City Clerk will forthwith notify the member that he or she is disqualified from any participation in meetings or other activities of the board or commission, until the member both files the required statement of economic interests and pays any fines associated with the failure to file. 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.

Thirty (30) days after the filing deadline was May 30, 2007, and sixty (60) days after the filing deadline was July 2, 2007.