



## Agenda Report

21-95

Agenda Date: 2/9/2021

### REPORT TO CITY COUNCIL

#### **SUBJECT**

Action on Removal of Trustee Joshua Briefman from the Board of Library Trustees and Declaring a Vacancy

#### **COUNCIL PILLAR**

Enhance Community Engagement and Transparency

#### **BACKGROUND**

The Board of Library Trustees is a five-member body, appointed by the City Council, that is primarily responsible for the establishment, acceptance and continued supervision of the public library program. It makes and enforces by-laws, rules and regulations for the administration of the City's public library; approves or disapproves the appointment of the City Librarian; accepts donations into the library fund (subject to the approval of the City Council); and contracts with other governmental agencies to render or receive library services (also subject to the approval of the City Council).

Regular attendance at Board meetings is important to the functioning and effectiveness of the Board of Library Trustees. Section 1004 of the City Charter states that:

"If a member of a board or commission absents himself/herself from three regular meetings of such board or commission, consecutively, unless with permission of such board or commission expressed in its official minutes, or is convicted of a crime involving moral turpitude, or ceases to be a qualified elector of the City, his/her office shall be vacant and shall be so declared by the City Council."

The City Charter sets the standard of three consecutive absences, if unexcused by the Board, as cause for removal of an appointee of the Board of Library Trustees by the City Council.

#### **DISCUSSION**

On December 9, 2019, the City Council conducted Board of Library Trustee interviews to fill a partial term. At that meeting, the City Council interviewed two applicants (one additional applicant was unable to attend), and appointed Joshua Briefman to a partial term, expiring on June 30, 2021.

Following his appointment, Trustee Briefman missed three consecutive Board meetings on the dates identified:

- October 5, 2020
- November 2, 2020
- December 7, 2020

Neither the Board of Library Trustees nor staff were notified regarding these absences, and in one instance, Trustee Briefman verbally confirmed that he would be in attendance the day prior to missing the meeting.

On January 6, 2021, staff contacted Trustee Briefman to discuss the absences and was informed by the Trustee that due to work conflicts, it was his intent to resign. However, a written letter of resignation has not yet been received despite follow-up email efforts from staff. The City staff/secretary assigned to Library Board of Trustees has reviewed the minutes of each meeting to confirm the unexcused absences and has submitted a request to the City Clerk to remove the trustee and declare a vacancy. (Attachment 1)

In recognition of this, the City Clerk recommends that the City Council exercise its authority listed in City Charter Section 1004 and remove Trustee Briefman from the Board of Library Trustees due to three consecutive absences deemed as unexcused by the Board. If Council chooses to remove Trustee Briefman from the Board and declare his seat vacant, the Assistant City Clerk will include that seat in the annual Boards and Commissions recruitment process that will be initiated by the Assistant City Clerk in March 2021.

### **ENVIRONMENTAL REVIEW**

The action being considered does not constitute a “project” within the meaning of the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines section 15378(b)(5) in that it is a governmental organizational or administrative activity that will not result in direct or indirect changes in the environment.

### **FISCAL IMPACT**

There is no impact to the City other than administrative staff time.

### **COORDINATION**

This report has been coordinated with the City Attorney’s Office and City Clerk’s Office.

### **PUBLIC CONTACT**

Public contact was made by posting the Council agenda on the City’s official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City’s website and in the City Clerk’s Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk’s Office at (408) 615-2220, email [clerk@santaclaraca.gov](mailto:clerk@santaclaraca.gov) <<mailto:clerk@santaclaraca.gov>>.

### **RECOMMENDATION**

Remove Trustee Joshua Briefman from Board of Library Trustees and declare a vacancy on the Board.

Reviewed by: Cynthia Bojorquez, Acting City Librarian

Approved by: Deanna J. Santana, City Manager

### **ATTACHMENTS**

1. Memorandum to the City Clerk