



## Agenda Report

22-1251

Agenda Date: 11/1/2022

### REPORT TO COUNCIL

#### SUBJECT

Action on Removal of Commissioner Jennifer Garcia-Vega from the Cultural Commission and Declare a Vacancy

#### COUNCIL PILLAR

Enhance Community Engagement and Transparency

#### BACKGROUND

The Cultural Commission is a seven-member body, appointed by the City Council, that is primarily responsible that acts in an advisory capacity to the City Council in matters pertaining to the enhancement of multi-cultural experiences and beautification of the City through art. The Commission makes recommendations to the City Council on programs/activities to encourage educational, cultural, sports, technical and governmental exchanges to help acquaint citizens of Santa Clara with cultural diversity here and abroad.

The Commission organizes cultural events, concerts, activities and displays that builds community and celebrates the City's native, historic cultures, and present-day diversity. The Commission may make recommendations to the City Council on the purchase and placement of public art that represents the City's rich history and culture.

Regular attendance at commission meetings is important for the effectiveness of the Commission. 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 Commission, as cause for removal of an appointee of the Cultural Commission by the City Council.

#### DISCUSSION

Commissioner Jennifer Garcia-Vega was appointed on May 24, 2021 to the Cultural Commission to serve a four-year term ending June 30, 2025.

Commissioner Garcia-Vega has missed more than the three consecutive Commission meetings on the dates identified below:

- April 4, 2022
- May 2, 2022
- June 6, 2022
- July - No meeting
- August 1, 2022
- September - No meeting
- October 3, 2022

Staff and several Commissioners have reached out to Ms. Garcia- Vega via phone and emails, but Ms. Garcia-Vega has been unresponsive. The City staff/secretary assigned to Cultural Commission has reviewed the minutes of each meeting to confirm the unexcused absences and has submitted a request to the Assistant City Clerk to remove the Commissioner and declare a vacancy. (Attachment 1)

In recognition of this, the Assistant City Clerk recommends that the City Council exercise its authority listed in City Charter Section 1004 and remove Commissioner Garcia-Vega from the Cultural Commission due to three consecutive absences deemed as unexcused by the Commission. If Council chooses to remove Commissioner Garcia-Vega from the Commission and declare her 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 Mid-February early March 2023.

### **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**

Action on Removal of Commissioner Jennifer Garcia-Vega from the Cultural Commission and Declare a Vacancy.

Reviewed by: Nora Pimentel, City Clerk  
Approved by: Rajeev Batra, City Manager

**ATTACHMENTS**

1. Memorandum to the Assistant City Clerk