



## Agenda Report

20-327

Agenda Date: 3/9/2020

### REPORT TO COUNCIL

#### SUBJECT

Conduct Interviews and Appoint Candidate to fill the Vacancy for a Partial Term Ending November 2020 in Council District 5

#### BACKGROUND

Former Councilmember Patricia Mahan resigned from office, effective February 1, 2020, thereby creating a vacancy for Council District 5 for the partial term ending November 2020. On February 11, 2020 the City Council declared the office in Council District 5 vacant. In accordance with Charter Section 703, if the Council chooses to appoint a Council Member to the vacant seat, the Council must do so no later than March 12, 2020 (30 days since the seat was vacated). At the February 11 Council meeting, the action taken was to initiate a candidate application process to fill the vacancy by appointment.

The vacancy was advertised as follows:

- City website:
  - Homepage
  - City News item
- Email sent to 1,426 City News subscribers
- City Hall News
- City Manager's Biweekly Report
- Social Media
  - Facebook
  - Twitter
  - Nextdoor
- Email sent to current/former board/commission members and vacancy interest list

The recruitment to fill the vacancy for the office of Council District 5 was opened on February 12, 2020 with an advertised deadline of February 28 at 5:00 p.m. The Office of the City Clerk received 8 applications by the advertised deadline. The requirements for holding office for City Council are set forth in Section 600 of the City Charter as follows:

*No person shall be eligible to hold any elective office in the City including Mayor, City Council, Chief of Police Department and City Clerk, unless he or she is **a resident and a qualified registered elector of the City.***

As a result, the Office of City Clerk has been verifying eligibility of all applicants for this process. Upon receipt of the Candidate applications, staff forwarded the applications to the Registrar of Voters (ROV) for the purpose of completing due diligence with certifying that each applicant was a

registered voter in Council District 5. The ROV may deem a Candidate ineligible for lack of being a registered voter.

As per the City Charter referenced above, Candidates must also be City of Santa Clara residents. Staff has requested two proofs of residency from each applicant (i.e. California driver's license, utility bill, cable bill). The Superior Court's require the candidate who runs for and is elected in November 2020 for the office in Council District 5 reside in District 5. Therefore, the Council recommended that only District 5 residents be considered for appointment.

### **DISCUSSION**

As background, past City practice has been to conduct Council interviews during a Council meeting and Council directed staff to return on March 9 with candidates from District 5 that submitted applications for consideration.

It should also be noted that the Council may by motion on a 4/5<sup>th</sup> majority vote to appoint a candidate directly on the basis of the written applications and without following the below outlined proposed process, as long as it is made tonight. Alternatively, the Council may, by motion, develop a different selection process.

### **Appointment Process**

Council recommended on February 11 that the interview process to be followed would be that of the Boards and Commission as outlined below:

**Step 1:** Each applicant will be allotted 3-minutes for an opening statement. As a matter of fairness, all applicants must stop after three minutes and discontinue their opening comments. There will be no extension of time allocated for any applicant that desires to use more than 3 minutes.

**Step 2:** Following Opening Statements, each Councilmember may ask a question.

**Step 3:** Applicants will be allotted one minute for a closing statement following Council questions.

**Step 4:** Council may begin the voting process.

**Step 5:** If an applicant is successful at receiving 4/5<sup>th</sup> majority vote by the Council, the Council may consider a motion to appoint the candidate to fill the vacant seat.

**Step 6:** City Clerk may administer Oath of Office to newly appointed Councilmember.

Sample interview questions are attached for Council's use, if so desired (Attachment 2). The Council may however choose to ask other questions instead.

## Applicants

Below is the list of qualified applicants in alphabetical order:

1. Robert Albert Ku-ka-ili-moku Jr. (aka Rob Avina)
2. Deborah Cordova
3. Mark Fertelmeister
4. Sudhanshu "Suds" Jain
5. Andrew Knaack
6. Brian P. Lowery
7. Robert (Bob) O'Keefe
8. Keri Procunier McLain (aka Keri Lee Procunier)

## **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(a) as it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

## **FISCAL IMPACT**

There is no additional cost to the City other than administrative staff time and expense.

## **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>> or at the public information desk at any City of Santa Clara public library.

## **ALTERNATIVES**

1. Council may choose to follow the proposed process and appoint.
2. Council may choose to follow a different process and appoint.
3. Council may choose to not appoint, and the position will remain vacant until the November 2020 election.

## **RECOMMENDATION**

Staff makes no recommendation regarding the appointment.

Approved by: Hosam Haggag, City Clerk

## **ATTACHMENTS**

1. Applications
2. Sample Interview Questions
3. Correspondence