



## Agenda Report

18-796

Agenda Date: 6/12/2018

### REPORT TO COUNCIL

#### SUBJECT

Proposed Interview and Appointment Process for the Council Seat #5 Vacancy

#### BACKGROUND

Former Council Member Dominic Caserta resigned from office, effective May 15, 2018, thereby creating a Council Member vacancy in Seat 5 for the partial term ending November 2018. 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 June 14, 2018 (30 days since the seat was vacated). At the May 22 Council meeting, Council took action (by a 4-2 vote) to initiate a candidate application process to fill the vacancy by appointment.

The vacancy was advertised on Facebook, Twitter, Next Door, as well as on the City's website Council page and as a City News posting. Flyers were distributed and posted at the Community Recreation Center, Senior Center, Youth Center, Teen Center, Central Park Library, Northside Branch Library and on the City's bulletin board outside of the Office of the City Clerk. It was also advertised on the City Manager's blog and City Cable Channel 15.

The candidate application process for the City Council Seat #5 vacancy was opened on May 24, 2018 with an advertised deadline of June 5 at 5:00 p.m. The Office of the City Clerk received 25 applications by the advertised deadline. One applicant has withdrawn their application, leaving 24 to verify eligibility. The requirements for holding a City Council seat 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 if the applicant was a registered voter. The ROV may deem a Candidate ineligible for lack of being a registered voter.

As per the City Charter reference above, Candidates must also be City of Santa Clara residents. Staff has requested proof of residency from each applicant.

#### DISCUSSION

As background, past City practice has been to conduct Council interviews during a Council meeting and Council directed staff to return on June 12 with candidates that submitted applications for consideration of City Council Seat #5.

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

### Appointment Process

Given the number of applications, staff is recommending that if the Council decides to advance all eligible candidates, the following process be followed:

**Step 1:** Up to 5 minute Opening Statement by each Candidate. As a matter of fairness, all Candidates must stop after five minutes and discontinue their opening comments. There will be no extension of time allocated for any Candidate that desires to use more than 5 minutes.

**Step 2:** Each Council Member ranks top 5 - 10 candidates (Number to be determined by Council motion) with the highest ranked candidate assigned the number "1", the second highest ranked candidate assigned the number "2", etc. in the ranking sheet.

**Step 3:** Acting City Clerk publicly polls each Council Member for verbal reporting/disclosure of their top ranking based on the number determined in Step 2.

**Step 4:** Acting City Clerk tallies Council Member rankings and displays results. The candidate with the lowest total tally will be the highest ranked candidate. While the Acting City Clerk is tallying the rankings, the City Council may proceed with the general business items on the City Council Agenda.

**Step 5:** Council interviews the top 5-10 candidates based on the number established in Step 2.

**Step 6:** Council may, by motion of a 4/5<sup>th</sup> vote, appoint an applicant or engage in another round of ranking among final candidates. Same steps will be followed above for disclosure of ranking.

**Step 7:** If applicant is successful at receiving 4/5<sup>th</sup> vote by the Council, the Council may consider a motion to appoint the candidate to fill the vacant seat.

**Step 8:** The Council Member shall take their Oath of Office and is then seated for the remainder of the Council Meeting.

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

### **Ranking and Voting Process**

#### Ranking Candidates to Interview

Council Members will rank their top 5 -10 Candidates in numerical order (1-5 or 1-10). The Council will need to determine, based on the opening statements, how many candidates they would like to rank to proceed to the interview step.

The Acting City Clerk will tally the votes and will display the results on the screen in the Council

Chamber, which will show how each Council Member ranked the candidates. The top 5-10 applicants who received the highest ranking (as indicated by the lowest total tally) will be interviewed.

#### Voting for Appointee

Due to the number of applicants, each Council Member will go through the ranking process again to choose their top candidate among the 5-10 finalists.

The same steps will be followed as noted above, and the City Clerk will input the rankings into one ranking sheet and again display the results on the screen in the Council Chamber. If there is an obvious winner, the Council will need to take a motion to appoint. If there is a tie, the Council may ask additional questions of the finalists and will have the opportunity to deliberate further. Again, Council appointment requires 5 Council votes.

#### Applicants (applications attached)

As of the writing of this report, staff was still verifying eligibility from the Registrar of Voters as well as proof of residency. A supplemental report will be released as soon as the final list is verified.

Based on the final eligibility list, eligible candidates, in alphabetical order, will each be asked to provide up to a 5-minute Opening Statement. Below is the list of applicants in alphabetical order (eligibility still being verified):

1. David Anderson
2. Nancy A. Biagini (Serrano)
3. Andrew Chan
4. Christina Cielusniak
5. Noah Clemons
6. Abhik Dutta
7. Susan Ellefson
8. Eversley Forte
9. Hosam Haggag
10. Kevin Heller
11. Sudhanshu Jain
12. Sowmya Krishnan
13. Joie Le
14. Ashish Mangla
15. Kevin M. McMahon
16. Robert Meier
17. Mohammed Nadeem
18. Vincent Navarro
19. Kevin Park
20. Lara Ruffolo
21. Frederick A. Shaul
22. Chris Stampolis
23. Susan B. Tsolinas
24. Sara Yoders

**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 2018 election.

**RECOMMENDATION**

Staff makes no recommendation regarding the appointment.

Reviewed by: Jennifer Yamaguma, Acting City Clerk

Approved by: Deanna J. Santana, City Manager

**ATTACHMENTS**

1. Applications
2. Sample Interview Questions