



DATE: January 3, 2023

TO: Mayor and City Council

FROM: City Clerk

SUBJECT: City Council Vacancy: Update on Appointment Process to Fill Two-Year City Council Vacancy

RECOMMENDATION

That the City Council receives and reviews applications received from qualified individuals interested in appointment to the two-year vacant City Council seat; and reviews and approves the interview process for January 9, 2023.

SUMMARY

At the December 13, 2022 City Council meeting¹, the Council approved a process for filling a two-year City Council vacancy created when then Council Member Mark Salinas was elected Mayor and sworn into office on December 13, 2022.

Applications for the City Council vacancy were made available beginning December 14, 2022, at City Hall and on the City's website at <https://www.hayward-ca.gov/your-government/city-council>. A news release (Attachment II) announced the vacancy and information on the application was issued on December 15, 2022, and a Public Notice (Attachment III) was published in the Daily Review c/o Bay Area News Group-East Bay on Friday, December 16, 2022.

The application period is scheduled to close at 9:00 a.m. on January 3, 2023, and a list of qualified candidates will be published on the City's website under the "Documents Received After Published Agenda" column of the Meeting and Agenda Center². Qualified applications will be sent to the City Council via email by noon on January 3, 2023, and the information will be available to the public upon request.

¹ December 13, 2022 City Council Meeting – Council Vacancy Process
<https://hayward.legistar.com/MeetingDetail.aspx?ID=1056027&GUID=1DF843FF-0BFA-4499-8C61-07F20A0BC219&Options=info|&Search=>

² Meeting and Agenda Center
<https://hayward.legistar.com/Calendar.aspx>

DISCUSSION

City staff recommends that, following review of the applications, each member of the City Council select up to five applicants and individually notify their selection to the City Clerk by noon on Thursday, January 5, 2023. The City Clerk would tally choices and would invite applicants who received three or more points to interview with the City Council on Monday, January 9, 2023. If there are less than five applications, the Council could decide this evening whether to interview all candidates or fewer depending on the preliminary review of applications.

The following interview process is being recommended for Council's use on January 9, 2023, in considering the applicants for appointment to the vacant two-year term.

- 1) Interviews will be conducted in the Council Chambers at a special City Council meeting on Monday, January 9, 2023, starting at 5:30 p.m.
- 2) The order of interviews will be determined by a random draw of all the selected applicants' names. The random draw will take place at the beginning of the meeting.
- 3) Applicants will have a total of thirty (30) minutes for each interview. The timer will be managed by the City Clerk.
 - a. Each applicant will have three (3) minutes to present their qualifications and discuss their candidacy with the City Council.
 - b. Twenty-five (25) minutes will be allocated for Council to ask questions after the applicant's opening remarks and for candidates to respond.
 - c. Each applicant will have two (2) minutes to make closing remarks.
- 4) Applicants will be present in the Council Chambers during Public Comment and as Council publicly explains the interview process and format. Applicants will be escorted to Conference Room 2B until they make their presentation before Council for the individual interview. Applicants will not be allowed to use any cell phones or other smart technology while waiting their turn to interview. A staff member of the City Clerk's office will be in the room with the applicants, and another will escort applicants into the Council Chambers at their scheduled times. Applicants will be allowed to remain in the Council Chambers after they complete their interview.
- 5) The entire process in the Council Chambers will be live streamed via KHRT, Zoom, and the City's website as done with regular Council meetings.
- 6) Members of the City Council will have copies of the applicant's completed applications at the dais for their reference.
- 7) There will be no set pre-established questions. The Mayor will allow each member of the City Council to ask one question of each applicant. Follow-up questions by members of the City Council will be allowed according to the timing format and at the discretion of the Mayor.
- 8) The Mayor will manage the starting order of questions with each candidate, rotating among Council members and ensuring the same questions are asked of each applicant.
- 9) Upon completion of the interviews, the Mayor will call for nominations. A nomination does not require a second. After all nominations have been made, the Mayor will call for a motion and a second to close nominations.

10) After nominations have been closed, the Mayor will call for a vote on each nominee (in the order in which they are made). The first nominee to receive four or more votes will be the new member.

The recommended process would be used for Council to interview applicants and then make a selection for the two-year unexpired Council Member seat. If the appointment process is unsuccessful, the Council would direct the City Clerk to proceed with the special election.

FISCAL IMPACT

There is no fiscal impact associated with the appointment process.

STRATEGIC ROADMAP

The agenda item is a routine operational item and does not relate to one of the Council's Strategic Initiatives.

PUBLIC CONTACT

The Notice of Vacancy on the City Council was published in the Daily Review c/o Bay Area News Group-East Bay on Friday, December 16, 2022, posted on the City's website, published, and disseminated via social media and posted at public places.

Prepared and Recommended by: Miriam Lens, City Clerk
Kelly McAdoo, City Manager
Michael Lawson, City Attorney

Approved by:



Kelly McAdoo, City Manager