



DATE: January 9, 2023

TO: Mayor and City Council

FROM: City Clerk

SUBJECT: City Council Vacancy: Selection and Appointment Process for Two-Year Council Seat

RECOMMENDATION

That the City Council proceeds to interview candidates for the two-year Council seat based on the approved process and timeline; and if the approved process is not successful, Council directs the City Clerk to proceed with the steps necessary to hold a Special Mail Ballot Municipal Election on May 2, 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 Council Member Mark Salinas was elected Mayor and sworn into office on December 13, 2022. Following the Council meeting and as directed, City staff issued a news release about the Council vacancy (Attachment II). A Notice of Vacancy (Attachment III) was published in the Daily Review c/o Bay Area News Group-East Bay on December 16, 2022.

At the January 3, 2023 City Council meeting², the Council accepted applications from forty-five qualified candidates and approved the interview process to select a member of the City Council. The final list of candidates is included as Attachment IV.

On January 5, 2023, members of the City Council individually nominated up to five applicants and submitted their selections to the City Clerk. The City Clerk tallied choices and invited applicants who received five or more points to interview with the City Council on Monday, January 9, 2023. The nomination matrix is provided as Attachment VI.

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 January 3, 2023 City Council Meeting – Council Vacancy Update
[CITY OF HAYWARD - Meeting of City Council on 1/3/2023 at 5:30 PM \(legistar.com\)](#)

DISCUSSION

The City Council will follow the interview process approved on January 3, 2023, which is provided below for convenience.

- 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 random draw of all the selected applicant's 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 and for candidates to respond after the applicant's opening remarks.
 - 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 cellphones 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 livestreamed via KHRT, Zoom and the City's website as done with regular Council meetings.
- 6) Members of the City Council will have copies of 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 members and ensuring the same questions are asked of each applicant.
- 9) Upon completion of the interviews the Mayor will call for nominations. After all nominations have been made, the Mayor will call for a motion and a second.
- 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. Members do not have to vote and can abstain from voting if they wish. Voting will continue until one nominee receives four votes.

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 agenda was published in accordance with the Brown Act.

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

Approved by:

A handwritten signature in black ink, appearing to read 'K. McAdoo', with a long horizontal stroke extending to the right.

Kelly McAdoo, City Manager