

Attachment 3 – Appointment Process Information

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Chapter 2.53
APPOINTMENT PROCESS TO FILL VACANCIES ON THE CITY COUNCIL
AND SPECIFIED COMMISSIONS

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2.53.010 Purpose and intent.

The purpose of this chapter is to set forth a fair and open appointment process to be used by the City Council to fill vacancies (defined below) on specified City commissions (defined below) and to fill vacancies on the City Council where such appointment is authorized by the Charter. (Ord. 3370 § 1, 2016).

2.53.020 Applicability.

This chapter applies to appointments to fill (A) any vacancy (defined below) on the City Council when the City Council has elected to fill such vacancy by appointment as permitted under Charter Section 303(C); and (B) any vacancy on specified City commissions (defined below). The appointment processes for seats on other City commissions, where either nominations for vacancies are to be made by the Mayor or where alternative appointment processes apply, are set forth elsewhere in this code, in the chapters and code provisions specifically applicable thereto. (Ord. 3370 § 1, 2016).

2.53.030 Definitions.

“Application period” means the time frame during which applications are accepted for a particular vacancy (defined below). The application period for City Council vacancies is defined in CVMC [2.53.040\(C\)](#). The application period for specified City commission vacancies is defined in CVMC [2.53.050\(B\)](#). Once established, the application period will be posted on the City’s website.

“Interview” means the process at a public meeting by which applicants are given an opportunity to present themselves to the City Council, and the City Council questions and evaluates the applicants. Should an applicant be

unable to attend the scheduled interview, the Council may elect to consider a letter of interest or interview by other means, such as telephone or video conference, in lieu of an in-person meeting.

“Qualified application” means an application received within the application period with all of the required components. The application form shall be available through the City Clerk’s office and will specify the required components for an application to be deemed a qualified application.

“Specified City commissions” means those City commissions specified elsewhere in this code, in the chapters and code provisions specifically applicable thereto.

Vacancy (or Vacancies). For specified City commission seats, “vacancy” is defined in accordance with CVMC [2.25.105](#). For City Council seats, “vacancy” is defined in accordance with Charter Section [303\(A\)](#). (Ord. 3490 § 1, 2020; Ord. 3435 § 1, 2018; Ord. 3393 § 1, 2016; Ord. 3370 § 1, 2016).

2.53.040 City Council vacancy appointments.

A. The process for filling a vacancy by appointment to the City Council is intended to be consistent with and implementing of Chula Vista Charter Section 303(C). To the extent there is any conflict between the Charter and this chapter, the terms of the Charter shall govern.

B. In the event of a City Council vacancy, the City Clerk will work with City staff to notify the public of the vacancy in accordance with then applicable “best practices.” At a minimum, notice of the vacancy will be posted on the City’s website and at the City Clerk’s office.

C. The application period shall commence on a date established by the City Clerk no later than five calendar days after the vacancy is declared by the City Council in accordance with Charter Section 303(A) and end on the day falling 14 calendar days after the commencement date. An individual desiring to fill a vacancy must submit a qualified application during the application period. The City Clerk will collect and provide all qualified applications received within the application period to the Mayor and each Councilmember no later than 72 hours prior to the meeting scheduled for nominations or interviews. Such applications will be made available to the public at the same time. Applications received after the established application period shall not be accepted. The Mayor and each Councilmember shall independently review all forwarded qualified applications for the vacancy.

D. Should four or fewer qualified applications be received by the City Clerk within the application period, following the close of the application period, the appointment process shall be as follows:

1. At an open meeting of the City Council, the Mayor and City Council shall collectively set a date and time to hold an interview of all applicants who have submitted a qualified application during the specified application period.
2. At the meeting set for interviews, any member of the public shall be afforded the opportunity to speak to the item prior to commencement of the interview process.
3. The Mayor and City Council will then conduct the interviews.

4. Public comment will be solicited and allowed again after the interviews.
 5. Following the interviews and any public comment, the Mayor and City Council shall publicly deliberate and select one individual for each available position. The affirmative votes of at least three Councilmembers are required for appointment.
- E. Should five or more qualified applications be received by the City Clerk within the application period, following the close of the application period, the appointment process shall be as follows:
1. The City Clerk shall place an item on the agenda of an open City Council meeting, indicating that nominations by the City Councilmembers for interviews to fill the vacancy will take place. The vacancy and the names of applicants who have submitted a qualified application during the application period will be listed.
 2. At the meeting for nominations, any member of the public, including any individual submitting a qualified application, shall be afforded the opportunity to speak to the nomination item.
 3. Following the public comment period, the Mayor and each Councilmember will complete a form indicating one or more applicants each wishes to nominate for an interview and provide the form to the City Clerk. The forms submitted to the City Clerk shall be public record and retained on file in the office of the City Clerk.
 4. The City Clerk shall then publicly announce each applicant receiving two or more nominations and indicate that each Councilmember's nomination form is available for public review.
 5. The Mayor and City Council shall then collectively set a date and time to hold an open meeting of the City Council for the purpose of interviewing each applicant who received two or more nominations.
 6. At the meeting set for interviews, any member of the public shall be afforded the opportunity to speak to the interview item prior to the commencement of the interview process.
 7. The Mayor and City Council will then conduct the interviews.
 8. Public comment will be solicited and allowed again after the interviews.
 9. Following the interviews and any public comment, the Mayor and City Council shall publicly deliberate and select one individual for each available position. The affirmative votes of at least three Councilmembers are required for appointment. (Ord. 3370 § 1, 2016).

2.53.050 Specified City commission vacancy appointments.

The appointment process for filling vacancies on specified City commissions shall be consistent with the process for City Council appointments provided in CVMC [2.53.040](#), with the following exceptions:

- A. In the event of a vacancy, the City Clerk will follow current organizational best practices to notify the public of the vacancy. Vacancies shall be noticed and filled in accordance with the requirements of Government Code

Section [54970](#) et seq. (Maddy Act). The City Clerk will maintain applications received for prospective membership on specified City commissions for a period of one year from the date of application.

B. For vacancies that are noticed on the “local appointments list” as defined and in accordance with Government Code Section [54972](#), the application period shall commence on the day one year prior to the date of vacancy and end 30 days before the date of vacancy. In the event of an unscheduled vacancy, the application period shall commence on the day one year prior to the date of the notice of vacancy, in accordance with Government Code Section [54974](#), and end a minimum of 21 days after such notice, on a date specified and noticed by the City Clerk. In the event that fewer than three qualified applications are received during the application period, the application period may be extended by the City Clerk. Applications received after the established application period shall not be accepted. In the event that an applicant submits more than one qualified application for a vacancy during the application period, the last qualified application for the vacancy received by the City Clerk shall be deemed the applicant’s qualified application.

C. No later than 72 hours prior to the meeting scheduled for nominations or interviews, the City Clerk will provide the Mayor and each Councilmember with all qualified applications received within the application period. Such applications will be made available to the public at the same time.

D. Should four or fewer qualified applications be received by the City Clerk within the application period, the City Clerk may independently poll the City Councilmembers for their availability and subsequently set a date and time to hold interviews of all applicants who have submitted a qualified application during the specified application period. (Ord. 3435 § 1, 2018; Ord. 3370 § 1, 2016).

2.53.060 California Public Records Act and Ralph M. Brown Act compliance.

Interviews and meetings that occur in accordance with this chapter shall comply with Government Code Sections [54950](#) through [54963](#) (Ralph M. Brown Act). Should written material be submitted, such material shall be made available for public inspection, in accordance with Government Code Sections [6250](#) through [6276.48](#) (California Public Records Act) and with the Ralph M. Brown Act. (Ord. 3370 § 1, 2016).



Sample Appointment Timeline

DRAFT

2022/23 Council Appointment Process

Date	Action	Notes
12/23/2022 - 01/06/2023	Application Period	Application period per CVMC 2.53
01/06/2023 by 11:59pm	Completed applications due	
01/17/2023	City Council Regular Meeting - Councilmembers to provide nominees for interviews	City Clerk will deliver applications to City Council and public no later than 72 hours before the meeting
01/19/2023 by 11:59pm	Nominees submit Economic Disclosure form	If required by City Council
01/24/2023 or other meeting date(s) set by City Council	City Council Regular Meeting – Interview candidates	City Clerk will publish the list of final nominee names and full application packets no later than 72 hours before the meeting.
(Additional City Council meetings may be required to continue interviews and/or deliberations.)		
02/03/2023	Deadline to make appointment	If Council, by majority vote, does not make an appointment during the 45 day time period, the City Council's power to appoint is terminated and a special election is required (Charter Sec. 303(C)(3))

2015 City Council Appointment – Application



APPLICATION FOR CITY COUNCILMEMBER

A résumé must be submitted along with a completed application to be considered.

Application Deadline: Applications will be accepted by the Office of the City Clerk until 5:00 p.m. on December 29, 2014, at 276 Fourth Avenue, Building A, Chula Vista or online at www.chulavistaca.gov/cityclerk.

1. First and Last Name: (Mr. Ms. Mrs. Other: _____) _____
2. E-mail: _____ Phone: _____
3. Home Address: _____ City: _____ Zip: _____
4. Do you live within the city limits of Chula Vista? Yes No If yes, how long? _____
5. Are you registered to vote in the City¹? Yes No _____
6. Present Employer: _____ Occupation: _____
7. Relevant Educational Background: _____

8. Are you currently serving on any board or commission for the City or any other governmental agency? (If selected for the City Council, you must resign from your current City board or commission position in order to serve.)
 Yes No If yes, which one(s)? _____
9. Have you previously served on the City Council, or any board or commission for the City or any other governmental agency?
 Yes No If yes, which one(s)? _____ Dates Served: _____
10. Please list any local, civic or community groups you have been involved with:

11. What experience or special knowledge could you bring to this position?

12. What would you hope to accomplish as a Councilmember?

Acknowledgements

Please initial the lines below to acknowledge each statement:

- _____ I understand that, if appointed, I will not be able to run for City Council or Mayor in the City of Chula Vista for a period of one year following the termination of my appointed term. (*See, City Charter Section 303.C.5.*)
- _____ I understand that, if I am selected as a finalist, I will be required to complete an Economic Interests Disclosure form, on which I must disclose all economic interests that I have within the boundaries of the City of Chula Vista in the categories of investments, income, gifts, and real property.
- _____ I understand that I must submit a résumé along with this completed application and that incomplete applications, applications received without a résumé, and applications not received by 5:00 p.m. on December 29, 2014 will not be considered.
- _____ I understand that this application and any documents submitted in connection with the application process, including the Economic Interests Disclosure form, will be public documents.

I hereby certify under penalty of perjury under the laws of the State of California that the information I have provided in this application is true and correct, and that I meet the qualifications of this office as established by the Chula Vista Charter and other applicable statutory or constitutional laws.

Signature _____ Date _____

2015 City Council Appointment – Economic Interests Disclosure Form

Name: _____

Email: _____

ECONOMIC INTERESTS DISCLOSURE

In order to determine potential conflicts of interest, please disclose all economic interests that you have had within the boundaries of the City of Chula Vista under the following categories (if you have nothing to disclose, indicate with "N/A"). Attach additional pages as needed.

INVESTMENTS

Disclose any financial interests with a value greater than \$2,000 that you, your spouse, registered domestic partner, or dependent children had with any business located, doing business, planning to do business, or that has done business in the past two years, in the City of Chula Vista (include stocks, bonds, sole proprietorships, partnerships, trusts).

BUSINESS NAME	ESTIMATED VALUE	GROSS ANNUAL INCOME

Attach additional pages as needed.

INCOME

Disclose the source and amount of gross income or loan of \$500 or more that was received by you, your spouse, or your registered domestic partner during the past year from any source located, doing business, planning to do business, or that has done business in the past two years, in the City of Chula Vista. (You are not required to report loans from commercial lending institutes, child support or alimony payments, or salaries, reimbursements for expenses, social security, disability, or other similar benefit payments from a federal, state, or local government agency.)

SOURCE OF INCOME	YOUR BUSINESS POSITION	GROSS ANNUAL INCOME OR LOAN AMOUNT

Attach additional pages as needed.

Name: _____

GIFTS

Disclose the source, description, and value of gift(s) valued at \$50 or more from a single source during the past year from any source located, doing business, planning to do business, or that has done business in the past two years, in the City of Chula Vista. A gift is anything of value for which you have not provided equal or greater consideration to the donor. (You are not required to disclose gifts from family members, inheritances, or campaign contributions.)

NAME OF SOURCE	DESCRIPTION OF GIFT	VALUE

Attach additional pages as needed.

REAL PROPERTY

Disclose interests that you, your spouse, registered domestic partner, or your dependent children had of \$2,000 or more during the past year in real property located in the City of Chula Vista or within two miles of the boundaries of the City of Chula Vista. (You are not required to disclose property used exclusively as a personal residence.)

CITY WHERE PROPERTY IS LOCATED	FAIR MARKET VALUE	GROSS ANNUAL INCOME (IF RENTAL)

Attach additional pages as needed.

I hereby certify under penalty of perjury under the laws of the State of California that the information I have provided in this application is true and correct.

Signature _____

Date _____