



# CITY COUNCIL STAFF REPORT



**January 17, 2023**

## **ITEM TITLE**

District 3 City Councilmember Vacancy: Nominate Applicants to be Interviewed, Determine a Date and Time to Conduct the Interviews, and Potentially Take Related Action Regarding Procedures for Interviews and Nominations

**Report Number:** 23-0027

**Location:** No specific geographic location

**Department:** City Clerk

**Environmental Notice:** The activity is not a “Project” as defined under Section 15378 of the California Environmental Quality Act State Guidelines; therefore, pursuant to State Guidelines Section 15060(c)(3) no environmental review is required.

## **Recommended Action**

A) Discuss and nominate applicants who submitted qualified applications during the application period to be interviewed. The qualified applicants are: Nimpa Akana, Devonna Almagro, Griselda Delgado, David Diaz, Alejandro Galicia, Gian Ghio, Alonso Gonzalez, Christos Korgan, Victor Lopez, Daniel Rice (Vazquez), Sophia Rodriguez, Tamara Rodriguez, Frank Salaiz, Ida Spector, Diego Vargas, Tanya Williams, and Douglas Wolf

B) Select a date and time for an open City Council meeting to conduct the interviews for applicants who receive two or more nominations

C) Discuss and possibly take action related to the interview process, interview questions, nomination procedure, and related matters.

## **SUMMARY**

On December 20, 2022, the City Council declared the District 3 City Councilmember seat vacant and declared its intention to appoint a person to fill the vacant seat, *see Resolution 2022-285*. The application period to fill the vacancy opened Friday, December 23, 2022, and closed on January 6, 2023. The City Clerk collected and

has included all qualified applications received within the application period as an attachment to this report (see Attachment 1).

Under Chula Vista Municipal Code (CVMC) [Chapter 2.53](#), City Council members will make nominations from the list of qualified applicants for those applicants they wish to interview. All qualified applicants who receive two or more nominations will be invited to interview. The City Council will then collectively set a date and time to conduct the interviews and discuss and possibly take action on details related to the interview process, interview questions, nomination procedure, and other related matters. The following report provides additional information and options for the nomination and interview process.

### **ENVIRONMENTAL REVIEW**

The Director of Development Services has received the proposed activity for compliance with the California Environmental Quality Act (CEQA) and has determined that the activity is not a “Project” as defined under Section 15378 of the State CEQA Guidelines because it will not result in a physical change in the environment; therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines, the activity is not subject to CEQA. Thus, no environmental review is required.

### **BOARD/COMMISSION/COMMITTEE RECOMMENDATION**

Not applicable.

### **DISCUSSION**

#### **BACKGROUND**

As a result of the November 8, 2022 election, District 3 City Councilmember Stephen C. Padilla was elected to the State Senate and resigned from the City Council. The term for the office vacated by Councilmember Padilla expires in December 2024. At the City Council meeting on December 20, 2022, the City Council declared the seat vacant and confirmed its intention to fill the vacancy by appointment. The deadline to make the appointment is Friday, February 3, 2023, in accordance with the City’s Charter.

*District 3 Boundaries for Applicants.* Although redistricting was completed in 2021 and new boundaries have been drawn, the new map does not go into effect until the next primary election for each district (2022 for Districts 1 and 2 and 2024 for Districts 3 and 4). The District 3 boundaries adopted in 2015 apply to fill this District 3 City Councilmember vacancy.

*Appointment Process – Basic Steps.* Ordinance 3370 was adopted by the City Council in 2016, which established the appointment process to fill City Council vacancies ([CVMC 2.53](#)). The basic steps in the process are:

- A. The public is notified of the vacancy (see Attachment 2 for the public outreach log)
- B. The application period is open for 14 days
- C. The City Clerk provides the City Council and the public with the qualified applications at the same time, at least 72 hours before the meeting scheduled for nominations (see Attachment 1). City Councilmembers must independently review all applications.

- D. If five or more qualified applications are received, the appointment process is as follows:
1. The City Clerk places an item on the agenda of an open meeting for nominations for interviews
  2. At the meeting for nominations, any member of the public, including any individual submitting a qualified application, is afforded the opportunity to speak to the item
  3. Following the public comment period, the Mayor and each Councilmember complete a form indicating one or more applicants each wishes to nominate for an interview; the nomination forms are public record and are retained on file with the City Clerk
  4. The City Clerk publicly tallies the nominations and announces each applicant receiving two or more nominations (“finalists”)
  5. The Mayor and City Council set a date to hold an open meeting to interview the finalists
  6. At the meeting for interviews, the public is afforded the opportunity to speak to the interview item before the interviews take place
  7. The Mayor and City Council conduct the interviews
  8. Public comment is allowed again after the interviews
  9. The Mayor and City Council publicly deliberate and appoint a person. The affirmative votes of at least three Councilmembers are required to make the appointment.

#### **PROCESS DETAILS FOR THE CURRENT VACANCY**

Application Period. The application period for the District 3 City Councilmember vacancy began on Friday, December 23, 2022, and ended on Friday, January 6, 2023. To accommodate various methods of application submittal, the following deadlines were established:

- Submitted electronically -11:59 p.m. on January 6, 2023
- Submitted in person - 5:00 p.m. on January 6, 2023
- Submitted via mail (U.S. Postal service) - must be postmarked by Friday, January 6, 2023, and received by the City Clerk's office by 5 p.m. on January 11, 2023

Application Requirements. [CVMC Section 2.53.030](#) defines “qualified application” as an application received within the application period with all required components. At the City Council meeting on December 20, 2022, the City Council determined that, in addition to a completed application, the required application components were a two-page résumé and a one-page biography. Each applicant asserted in the application that they met all qualifications to hold office. The City Clerk verified that each application included the required components and confirmed voter registration status in the applicable District 3 boundaries with the Registrar of Voters.

Dissemination of Applications. Seventeen qualified applications were received. The City Clerk published copies of all qualified applications on the City’s website and provided them to the City Council on January 9, 2023.

Qualified Applicants. All qualified applications are provided in Attachment 1. The names of all qualified applicants are as follows (in alphabetical order by last name):

- Nimpa Akana
- Devonna Almagro
- Griselda Delgado

- David Diaz
- Alejandro Galicia
- Gian Ghio
- Alonso Gonzalez
- Christos Korgan
- Victor Lopez
- Daniel Rice (Vazquez)
- Sophia Rodriguez
- Tamara Rodriguez
- Frank Salaiz
- Ida Spector
- Diego Vargas
- Tanya Williams
- Douglas Wolf

**ACTION A: NOMINATIONS OF APPLICANTS FOR INTERVIEW**

The first action for this item is to make nominations for interviews following [CVMC Section 2.53.040\(E\)](#).

1. Any member of the public, including any individual submitting a qualified application, is afforded the opportunity to speak to the item
2. Following the public comment period, the City Clerk will distribute a form to allow the Mayor and each Councilmember to indicate one or more applicants each wishes to nominate for an interview; the nomination forms are public record and are retained on file with the City Clerk
3. The City Clerk will publicly tally the nominations and announce each applicant receiving two or more nominations (“finalists”)

***Determination of Interview Order and Required Economic Interests Disclosure for Finalists***

Following the meeting on January 17, the City Clerk will contact all applicants to advise them of the outcome of the nominations.

On January 18, 2023, at 3 p.m., the order in which finalists will be interviewed will be determined by a random lot by the City Clerk at City Hall, Building A Lobby, 276 Fourth Avenue, Chula Vista. The public is invited to attend and observe.

At the City Council meeting on December 20, 2022, the City Council determined that each finalist would be required to submit an economic interests disclosure form. All applicants have been provided with the form and advised that finalists must submit it by January 19, 2023. Forms will be available as part of the agenda packet for the meeting when interviews will be conducted, at [www.chulavistaca.gov/d3application](http://www.chulavistaca.gov/d3application) and available at the Office of the City Clerk.

**ACTION B: SELECT THE DATE AND TIME TO CONDUCT THE INTERVIEWS**

The second action for this item is to set a date and time to conduct the interviews at an open meeting. In selecting the date and time to conduct interviews, the City Council may wish to consider the February 3, 2023 deadline to make the appointment and the length of time required to conduct the interviews. For example, if

interviews are 20 minutes, approximately two hours should be expected for every five candidates, which allows transition time for interviewees and a brief recess.

### **ACTION C: DISCUSS AND POSSIBLY TAKE ACTION RELATED TO THE INTERVIEW PROCESS, INTERVIEW QUESTIONS, AND OTHER RELATED MATTERS**

It is at the City Council's discretion to take action on items in this section. To facilitate streamlined and organized proceedings, staff recommends that, at this meeting, the City Council consider determining the procedures that will be used to conduct interviews and make the appointment.

#### ***Interview Alternative if Candidate Cannot be Present***

[CVMC Section 2.53.030](#) states that if an applicant cannot attend the scheduled interview, the City Council may elect to consider a letter of interest or interview by other means. Unless the City Council directs otherwise, staff will advise candidates that they must be physically present for the interview at the date and time determined by City Council.

#### ***Interview Questions***

The City Council will determine how and when to decide on interview questions. For the last City Council appointment in 2015, each City Councilmember asked two questions. For reference, the questions from 2015 are included in Attachment 3.

The City Council may desire to determine the questions at this meeting to allow finalists to prepare responses. Or, it may wish to decide on questions at the meeting held for interviews, in which case additional time will be allotted before the interviews begin.

#### ***Procedure for Interviews***

Staff recommends that the City Council provide direction on its preferred interview procedure so instructions can be given to the finalists. [CVMC 2.53](#) requires that public comments be allowed before the interview process commences and again after the interviews and before City Council deliberation. The City Council may provide direction on additional details for the process. The interview procedure described below was followed during the 2015 City Council appointment:

1. At the beginning of the item for interviews, the Mayor gave an introduction and description of the proceedings with all finalists in the Council Chambers
2. *Although not done in 2015, the revised appointment process under [CVMC 2.53](#) calls for public comments to be accepted at this step*
3. Out of respect for the interview process, the City Council requested that finalists turn in their cell phones to the City Clerk and leave Council Chambers to wait in the City Hall lobby during interviews of other candidates
4. Each finalist was called in individually for an interview lasting up to 20 minutes, which included a five-minute introductory statement on why they wanted to be a Councilmember, eight questions from the City Council, answers from the candidate, and a closing comment or statement from the finalist
5. After the interview, the finalist collected their cell phone from the City Clerk and was allowed to remain in Council Chambers

6. Public comments were accepted after all interviews and before deliberations began (*this step is required under [CVMC 2.53](#)*)

### **Procedure for Appointment**

Staff recommends that the City Council determine the procedure that will be used to make nominations for the appointment. The nomination and appointment procedure described below was followed during the 2015 City Council appointment:

1. Following all interviews and public comment, the process began with Councilmembers, in a pre-determined seniority rotation, nominating a candidate for appointment and allowing for a second of the motion. The pre-determined seniority rotation order was: Mayor Salas, Deputy Mayor Bensoussan, Councilmember Aguilar, and Councilmember McCann.
2. The nominations and seconds were held without action until all four members of the City Council had the opportunity to make a nomination.
3. Once all members made a nomination, nominations that received a second were taken up for a vote in the same seniority order. If the motion failed, the following motion and second in the rotation was voted upon.
4. This process was repeated until a motion passed. Once each Councilmember made one nomination, and none of the nominations passed, the rotation began again with the Mayor making a motion.
5. The first affirmative vote of a majority of the City Council resulted in the City Councilmember appointment being made.
6. Immediately after the appointment was made, the City Clerk administered the newly appointed Councilmember their oath of office, and they took their seat on the dais.

### **DECISION-MAKER CONFLICT**

Staff has received the decision contemplated by this action and has determined that it is not site-specific and consequently, the real property holdings of the City Council members do not create a disqualifying real property-related financial conflict of interest under the Political Reform Act (Cal. Gov't Code §87100, et seq.).

Staff is not independently aware, and has not been informed by any City Councilmember, of any other fact that may constitute a basis for a decision-maker conflict of interest in this matter.

### **CURRENT-YEAR FISCAL IMPACT**

This item will have no impact on the general fund.

### **ONGOING FISCAL IMPACT**

There is no ongoing fiscal impact.

### **ATTACHMENTS**

1. Qualified Application Packets
2. Public Outreach Log
3. 2015 Interview Questions

*Staff Contacts: Kerry K. Bigelow, MMC, City Clerk, and Cristina Hernandez, City Clerk Analyst*