



# CITY COUNCIL STAFF REPORT



**March 26, 2024**

## ITEM TITLE

City Council Vacancy: Determine a Date and Time to Conduct the Interviews of Applicants for Potential Appointment to the Vacant District 4 Council Seat, and Take Possible Action Regarding Interview Procedures

**Report Number:** 24-0107

**Location:** No specific geographic location.

**Department:** City Clerk & City Attorney

**G.C. § 84308:** No

**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) Select a date and time for an open City Council meeting to conduct the interviews of applicants for potential appointment to the vacant District 4 Council seat. .

B) Discuss and take possible action related to the applicant interview process and format, selection of interview questions, and related matters.

## SUMMARY

On February 26, 2024, the City Council declared the District 4 City Councilmember seat vacant and declared its intention to appoint a person to fill the vacant seat via Resolution 2024-042. The application period to fill the vacancy opened on Friday, March 1, 2024, and closed on Friday, March 15, 2024. The City Clerk collected and has included all qualified applications received within the application period as an attachment to this report (see Attachment 1).

The City Council must collectively set a date and time to conduct the applicant interviews and discuss and possibly take action on details related to the interview process and format, interview questions, and other related matters. The following report provides additional information and options for the interview process and format.

## 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

The District 4 City Councilmember seat is vacant as a result of the resignation of former Councilmember Andrea Cardenas. The term for the office vacated expires in December 2024. At the City Council meeting on February 26, 2024, the City Council declared the seat vacant and confirmed its intention to fill the vacancy by appointment. On March 19, 2024, there was a consensus of the City Council to interview all qualified applicants. The deadline to make the appointment is Thursday, April 11, 2024, in accordance with the City’s Charter.

### PROCESS DETAILS FOR THE CURRENT VACANCY

Application Period. The application period for the District 4 City Councilmember vacancy began on Friday, March 1, 2024, and ended on Friday, Friday, March 15, 2024. To accommodate various methods of application submittal, the following deadlines were established:

- Submitted electronically -11:59 p.m. March 15, 2024
- Submitted in person - 5:00 p.m. on March 15, 2024
- Submitted via mail (U.S. Postal service) - must be postmarked by Friday, March 15, 2024, and received by the City Clerk's office by 5 p.m. on Wednesday, March 20, 2024.

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 February 26, 2024, the City Council determined that, in addition to a completed application, the required application components were a résumé (two-pages maximum), verification of listed education, and a biography (one-page maximum). 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 4 boundaries with the Registrar of Voters.

Dissemination of Applications. Eight 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 March 18, 2024.

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):

- Christine Brady

- Sharmane Estolano
- Megan Moore
- Rachel Morineau
- Guadalupe Ruiz
- Nicholas Segura Jr.
- John Volland
- Daniel Zavala-Soto

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

At the City Council meeting on February 26, 2024, the City Council determined that each finalist would be required to submit an economic interests disclosure form and that the interview order could be determined by a random lot by the City Clerk at an open City Council meeting.

On March 19, 2024, there was a consensus of the City Council to interview all eight qualified applicants. All applicants have been provided with the Economic Interests Disclosure form and advised that the forms must be submitted on or before Wednesday, March 27, 2024. Forms will be available as part of the agenda packet for the meeting when interviews will be conducted, at [www.chulavistaca.gov/d4application](http://www.chulavistaca.gov/d4application) and available at the Office of the City Clerk.

### **ACTION A: SELECT THE DATE AND TIME TO CONDUCT THE INTERVIEWS**

The first 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 April 11, 2024 deadline to make the appointment and the length of time required to conduct the interviews. For example, if each interview is 20 minutes, approximately two hours should be expected for every four candidates, which allows transition time for interviewees and a brief recess. This time estimate does not include public comment and any other items that may need to be discussed and determined at the same meeting prior to the start of the interviews.

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

It is at the City Council's discretion to take action tonight 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 the City Council.

### ***Interview Questions***

The City Council will determine how and when to decide on interview questions. For the last City Council appointment in 2023, each City Councilmember asked two questions. For reference, the questions from 2023 are included in Attachment 2.

The City Council may desire to determine the questions at the March 26th meeting to allow finalists to prepare responses, or the City Council 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 all 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 2023 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. Public comments were taken prior to the commencement of the interview as required by [CVMC 2.53](#)
3. Out of respect for the interview process, the City Council requested that candidates turn in their cell phones to the City Clerk and leave Council Chambers to wait in the City Hall lobby during the interviews of other candidates.
4. Each candidate was called in individually for an interview lasting up to 20 minutes, which included a three-minute introductory statement on why they wanted to be a Councilmember, eight questions from the City Council, answers from the candidate, and a two-minute closing comment or statement.
5. After the interview, the candidate collected their cell phone from the City Clerk and was allowed to remain in Council Chambers
6. Additional public comments were taken after all interviews and before deliberations began, as required by [CVMC 2.53](#))

### ***Procedure for Appointment***

Staff additionally 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 2023 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 McCann, Deputy Mayor Preciado, Councilmember Cardenas, and Councilmember Chavez.
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 the 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 Councilmembers 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. 2023 Interview Questions

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