

Agenda Report

June 1, 2015

TO: Honorable Mayor and City Council

FROM: City Clerk and Ad Hoc Committee for Vacancy Appointment Process

SUBJECT: UPDATE ON THE PROCESS TO FILL THE DISTRICT 7 VACANCY ON THE CITY COUNCIL BY APPOINTMENT AND REVIEW OF AD HOC COMMITTEE'S RECOMMENDED INTERVIEW AND APPOINTMENT PROCESS

Recommendation:

It is recommended that the City Council

- 1) Confirm the special meeting date of June 15, 2015 at 5:00 p.m. to conduct interviews of applicants seeking appointment on the City Council to fill the District 7 vacancy; and
- 2) Review and approve the Ad Hoc Committee's recommended interview and appointment process for the special meeting.

Background:

As directed by the City Council on May 11, 2015, the City Clerk's Office published a Notice of Intention to Fill a Vacancy on the City Council by Appointment on May 14, 2015. Applications for those wishing to be considered for appointment were available during the application filing period, from May 14, 2015 to June 1, 2015 at 5:30 p.m. At the June 1st City Council meeting, staff will distribute a list of potential applicants that have submitted the required materials by the deadline (noting any applicants whose qualified status is still pending).

It is recommended that the City Council confirm that the special meeting for the appointment process occur on June 15th and begin at 5:00 p.m., so that applicants can be notified and make any necessary arrangements.

Interview Details

The Ad Hoc Committee selected to oversee the appointment process, met on Tuesday, May 19, 2015 to discuss the interview process, review potential interview questions, and recommend procedures to determine the most qualified applicant for appointment.

As suggested in the May 11, 2015 staff report, the Committee agreed that each applicant should be provided six (6) minutes to present information on background and interest in serving. The Committee also decided to allow applicants the flexibility (if so desired) to utilize PowerPoint presentations, as well as reserve a portion of the six minutes to make closing statements.

As part of the Question and Answer session, the City Council will have an opportunity to ask a set of predetermined questions to each applicant. The Committee reviewed a list of 26 potential interview questions and has selected five questions from the list for the City Council to ask each applicant in the interviews. The Committee would like to release the full list of 26 questions a few days prior to the meeting so that applicants can prepare themselves, without knowing exactly which of the listed questions will be asked.

Appointment Procedures

Recognizing that the City Council has a deadline of 75 days to make an appointment, and that the pool of applicants will be very competitive, the Committee considered potential appointment procedures to determine the best way to build consensus on one applicant for appointment. The following is a process recommended by the Committee:

After all the interviews are completed, all the applicants will be allowed back into the Chamber to watch deliberations and the selection of the appointee by the Council.

The City Clerk will distribute a paper ballot, individualized for each Councilmember, containing the names of all the applicants participating in the interview process. Once the City Council has had an opportunity to discuss/deliberate, the Mayor will ask each Councilmember to mark his or her ballot.

The City Clerk will collect the ballots and then verbally report the vote for each Councilmember. In the event that one candidate receives five votes, the Mayor will ask if there is a motion and a second to appoint the candidate with five votes. Following any deliberation on the motion, the City Clerk will conduct a roll call vote. Assuming the candidate receives the five affirmative votes required by City Charter, Section 506 ("No action of the City Council...shall be valid unless it receives the affirmative vote of five members."), the City Clerk will then administer the oath of office to the appointed Councilmember.

In the event there are less than five votes for any one candidate, the Committee proposes the City Council reduce the number of applicants to two finalists, as follows:

- Any applicant receiving at least three votes in the initial paper ballot round is automatically moved on as one of the two finalists.
- Of the remaining applicants, those receiving no votes in the paper ballot round are eliminated.

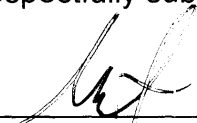
- Additional rounds of voting will be conducted to determine the two finalists, with each Councilmember selecting one applicant by way of a single vote per round:
 - If one finalist exists from the initial paper ballot round, then all other applicants receiving at least one vote via paper ballot would be eligible for voting in the next round. Each subsequent round would be conducted by a show of hands, with the City Clerk verbally reporting the vote for each Councilmember. Following each subsequent round of voting, the applicant receiving the lowest number of votes is eliminated, until one applicant receives at least three votes, with only that applicant to move on as a finalist.
 - If no finalists exist, then all applicants receiving votes in the paper ballot round would be eligible for voting in the next round. Following each subsequent round of voting, the applicant receiving the lowest number of votes is eliminated, until two applicants receive at least three votes, with only those two applicants to move on as finalists.
 - In the event of a tie (e.g. three applicants each receive two votes), the applicant with the lowest number of votes is eliminated and additional rounds of voting are conducted until two finalists exist.
- In the final round, the Mayor will ask for a motion to appoint either finalist. The City Clerk will conduct a roll call vote on any motion to appoint. If no finalist receives the necessary five affirmative votes, the City Council can suspend deliberations and continue the meeting to a future date and time certain, or order that the winner between the two finalists be determined by lot.

Following the selection of the applicant to fill the District 7 vacancy, the City Clerk will administer the Oath of Office. The appointee will serve as representative of City Council District 7, with full voting rights, for the remainder of the current unexpired term until an elected representative assumes office on Monday, May 1, 2017.

Fiscal Impact:

The administrative and printing costs for the vacancy process are estimated to be less than \$1,000. Funds to cover all expenses related to the City Council's appointment to fill the District 7 vacancy are available in the City Clerk's budget, 101-263000.

Respectfully submitted,



Mark Jomsky
City Clerk, CMC