



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Councilmember Cohen

**SUBJECT:** SEE BELOW

**DATE:** December 3, 2024

Approved:

Date: 12/3/2024

**SUBJECT: Special Municipal Election and Interim Appointment to Fill Vacancy  
in District 3**

**RECOMMENDATIONS:**

Accept the staff recommendations and implement a process to make an interim appointment that includes the following:

1. Initiate the recruiting process for the Council vacancy in District 3, including the release of an application for interested candidates. The application should be similar to that for the Planning Commission, along with City Attorney review for potential conflicts of interest, and include the following questions:
  - a. Why are you interested in representing this district on the City Council?
  - b. Please list your past community experience and other qualifications for the role.
  - c. What do you think is the biggest challenge the city faces? What is the biggest challenge specific to the council district you aspire to be appointed to represent?
2. The selection process shall take place as follows:
  - a. Each applicant will be interviewed by council in the random alphabet order to be laid out by the City Clerk.
  - b. Each applicant will provide an opening statement of up to three (3) minutes.
  - c. After the opening statement, each Councilmember and the Mayor will have the opportunity to ask the applicant one question. Each applicant will be asked the same questions by the same Councilmembers. Each question will be completed within three (3) minutes, including the question and answer.
  - d. After all applicants have made their statements and answered each question, the Mayor will open public comment.
  - e. After public comment, each councilmember will have the opportunity ask a single follow-up question that may arise based on the initial round of questioning and the public comment. Each follow-up question and answer will be completed within two (2) minutes.
  - f. The final appointments shall require a 2/3 vote of the council for approval. If no candidates receive 2/3rds of the vote, drop the candidate with the least number of votes and repeat the voting process until one candidate receives 2/3rds.

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## **BACKGROUND**

I deeply appreciate the thoughtful effort our City Clerk has put into developing a comprehensive process to ensure a rigorous and equitable appointment procedure. This preparation lays the foundation for us to approach this important responsibility with clarity and efficiency.

It is imperative that we prioritize filling the District 3 council seat swiftly and thoughtfully. District 3 represents the heart of San Jose, encompassing some of our most vibrant yet vulnerable communities. From residents facing housing insecurity to small business owners struggling to recover from economic challenges, this district includes individuals who rely heavily on their representative to advocate for their needs and amplify their voices. Having a voting councilmember for District 3 is not just a procedural necessity—it is a moral imperative to ensure that these residents have a voice in the decisions that shape their lives and their futures.

To facilitate a productive appointment process and ensure consistency, I believe we should adopt the same approach used during the District 8 and District 10 appointments in 2023. Following a proven process will help us avoid unnecessary procedural debates and focus on selecting the best candidate to serve this critical district.

Establishing a clear and structured process ahead of the meeting is essential for thorough preparation and for minimizing extended deliberations about procedures. To maintain fairness and transparency, all candidates should respond to the same initial set of questions, which will provide a consistent basis for evaluation. Time limits will help ensure the interviews remain concise and on schedule, enabling us to focus on assessing each candidate's qualifications. While councilmembers are not required to ask additional questions, any question posed should be directed to every candidate to uphold fairness and impartiality.

District 3 cannot afford to wait any longer for effective representation. By approaching this process with intentionality and fairness, we can ensure that the next councilmember is equipped to advocate for the district's needs and to represent its residents with the urgency and dedication.