

## Memorandum

**TO:** HONORABLE MAYOR AND CITY COUNCIL  
**FROM:** Councilmember Donald Rocha  
**SUBJECT:** DISTRICT 4 APPOINTMENT  
**DATE:** December 12, 2014

Approved

*Don Rocha*

Date

*12/12/14*

### RECOMMENDATION

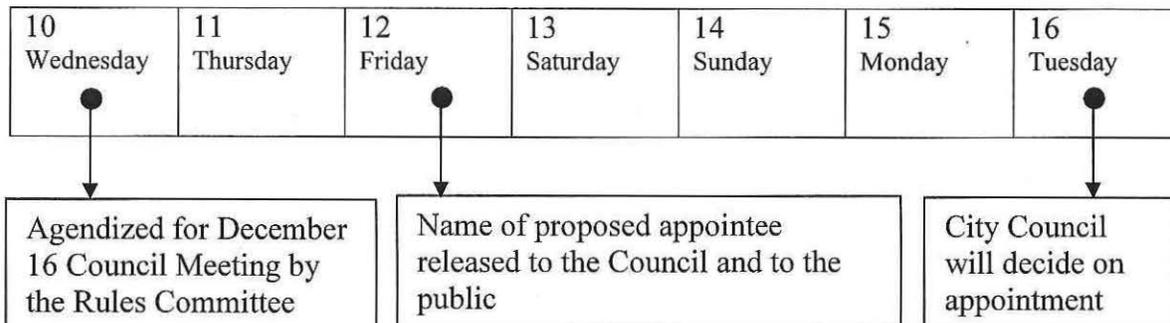
1. Drop consideration of an appointment to the District 4 seat.
2. If the Council desires to proceed with consideration of an appointment, direct the City Clerk to bring back, at the January 13, 2015 Council Meeting, an option for making the appointment pursuant to an application process, which may include the following elements:
  - a. A solicitation period for applications from interested individuals.
  - b. Public interview of applicants by one of our citizen commissions (the Neighborhoods Commission, for example) which would then forward a recommendation to the Council as to which applicants should be interviewed.
  - c. Selection of applicants for Council interview by an indication of interest process consistent with the process used for commission interviews.
  - d. Interview and appointment by the City Council.

### ANALYSIS

Mayor-Elect Liccardo proposes that we appoint Margie Mathews to the vacant District 4 seat. I worked with Margie back in the 1990's when I served as a council assistant to another councilmember. I've always had great respect for her commitment to public service, which continued long after she left her post as a councilmember.

Despite her sterling qualifications, I cannot support the appointment because of the rushed process by which we are being asked to make this decision. Choosing the people's representative is one of the most important decisions that we can make in a democracy, but in this case we have been given extremely short notice of the decision and have made no effort to engage the public. If there were some urgent need to make this appointment I might feel differently, but I don't see that need. There are many past instances where the Council hasn't appointed anyone in advance of a special election. Why is this instance so different?

Let's take a look at how short the notice has been.



How do we justify releasing the name of the appointee only four days in advance of the decision? What's more, how has the District 4 community been informed that this decision will be made? Can other District 4 residents apply for appointment, in addition to the candidate submitted by the Mayor-Elect? If they can apply, how are they supposed to know that? In my opinion, this process fails our commitment to open government.

I understand Mayor-Elect Liccardo's contention that the residents of District 4 should have a representative through the budget process and on land use matters, but as I asked above, why is there more need that residents have an interim representative in this case than in the many past instances when the Council hasn't appointed?

I think it's relevant to point out that Margie Matthews is listed on the Mayor-Elect's campaign website as an endorser. She is of course free to endorse whoever she chooses—I don't hold her endorsement against her—but I believe it does reflect on the Mayor-Elect's intent in this instance: it suggests that he may be attempting to stack the Council with his supporters. The unseemly rush to move this appointment through before the current Council terms out only enhances that perception. In our sharply divided political climate, the appearance that this appointment is politically motivated will only serve to reinforce divisions and long-standing conflicts.

If we do wish to appoint, we should leave the decision to the next council, and we should at least make an effort to include the public in the decision. I would be content to simply drop the idea of an appointment altogether, but in the spirit of compromise I lay out what I believe would be a reasonable, respectful process that the Council could pursue next year. If Margie Mathews were to apply under such a process, I think she would be an excellent candidate.

I can appreciate the desire of any mayor to command a Council majority. The power of appointment, however, is not the tool to make that happen. The only reason Mayor-Elect Liccardo would need to worry about the Council deadlocking 5-5 over the next nine months is if he isn't willing to work collaboratively with his colleagues. I hope that's not the case.