

[print](#)

Council to explore options to fill vacant seat

by Bob Brownne
11.11.06 - 03:51 am

Now that Tracy voters have chosen Councilman Brent Ives as the city's next mayor, the council must decide who will fill Ives' vacant seat.

The council could appoint a replacement, or it could order a special election and let the city's voters elect the fifth council member.

Those who wanted to see a change on the council said Friday that they want the voters to choose. But most of the candidates said the council should appoint someone.

"Seeing how this vacancy is occurring on the heels of the election, appointing someone based on the election results is the logical step," said former police Capt. Mike Maciel, who came in third out of eight council candidates. He finished within three percent of the vote of Suzanne Tucker, who was re-elected along with Evelyn Tolbert, who received the most votes.

"The fact that I was third in the voting shows I have support from the community," Maciel said.

Mayoral candidate Celeste Garamendi, who lost to Ives, said she would prefer to see a special election. Garamendi said the developer influence she ran against would likely show up again in a council appointment.

"Tracy Hills is no doubt lobbying the council to chose someone who would be on their side regarding these developer agreements," she said, referring to the developer's proposal to build a sports park in exchange for building permit priority for the 5,500-home project west of town.

"It's more important that we ensure the openness and fairness of government," she said.

Tucker and Tolbert, who will begin their ninth years on the council when they are sworn in Dec. 5, both said they will recommend that the council accept

From SJ County Registrar of Voters web site, here are votes for Nov 2006 election.
Maciel did get 3rd.

TRACY CITY COUNCIL

	Total	
Number of Precincts	52	
Precincts Reporting	52	100.0 %
Vote For	2	
Total Votes	27565	
<hr/>		
ED GABLE	1947	7.06%
CAROLE DOMINGUEZ	3373	12.24%
PETE MITRACOS	2370	8.60%
MICHAEL MACIEL	4476	16.24%
ROGER ADHIKARI	2516	9.13%
EVELYN TOLBERT	5754	20.87%
SUZANNE TUCKER	5192	18.84%
CLIF SCHOFIELD	1887	6.85%

HIS VOICE

Unique perspective on open council seat

By **Michael Maciel**

Submitted to the Tracy Press

Since the results of the Nov. 6 election have become clear, there has been a great deal of buzz in town regarding how the soon-to-be-vacated seat of Councilman Bob Elliott should be filled for the remaining two years of his term.

There is a concerted effort, complete with soaring rhetoric, encouraging the appointment of the third-highest vote-getter with little or no consideration of alternative means of filling the seat.

Terms like "do what's right" and "democratic principles" are being employed to support this proposition. I strongly disagree.

While the "third place" solution is seductively simple and certainly has a common-sense appeal initially, when you break down the facts — regardless of who the affected candidate might be — it is a deeply flawed concept.

I believe I am uniquely qualified to address this matter.

In the November 2006 election, I placed third in balloting for two open council seats and subsequently applied for the vacant seat created when Councilman Brent Ives was

When you consider the points that have been raised, it is difficult to rationalize the proposal that an appointment should be based solely on the finishing order of the unsuccessful candidates.

elected mayor. Prior to the appointment process that the council decided on, many people told me I should be appointed based on my third-place finish.

My consistent response to that was that the election was not for the open seat and that the council had no obligation to appoint me based on the vote tally.

Nowhere on that 2006 ballot was there any reference to the vacancy that might have been created by the results of the mayoral race.

Voters were asked to elect two council members to full four-year terms out of a field of six candidates, which they did. That was the end of the electoral process for City Council seats in that election.

Filling the vacancy that was created required a completely separate process.

tion would have been filled based on significantly less than 10 percent of the vote in an election that never included the office in question on the ballot.

This is a poor example of democratic principles.

Those who champion the appointment of the third-place candidate would also have us assume that if the two winners of the election had not been on the ballot, the finishing order of the remainder of the field would have been the same. This is more flawed logic.

As is always the case when I write to the Tracy Press, the opinions I express are mine and mine alone, and I speak as a private citizen. It is my intention to specifically address a process that is being proposed that I believe is improper.

I am not advocating for or against anyone who might desire to fill the vacancy that exists. I have deep respect for all the council candidates who were not elected. Through their service and community involvement, they all have shown they are assets to Tracy.

If a decision is made to

make an appointment to fill the remainder of Councilman Elliott's seat, I would encourage them apply if they so desire, as would I encourage any other eligible citizen who wants to serve on the council.

It should then be the job of the council to objectively interview all applicants and collectively decide who would best serve Tracy. By law, this process would be conducted in open council session to ensure transparency. Another alternative would be to have a special election. This a decision the new council will face.

I do not believe that blindly appointing the third-place candidate would have been the right answer in 2006, and it's not the right answer now.

When you consider the points that have been raised, it is difficult to rationalize the proposal that an appointment should be based solely on the finishing order of the unsuccessful candidates.

The community deserves a better, more open process.

■ *Michael Maciel is the mayor pro tem of Tracy and was first elected*