

**Gautho, Julia**

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**From:** Heidi <Heidy@cwo.com>  
**Sent:** Tuesday, October 21, 2025 1:47 PM  
**To:** City Council  
**Subject:** Agenda 9F

Dear Councilmembers,

As you review the full scope of the Code of Conduct, I'd like to share a brief policy suggestion regarding recusals. To clarify, my advocacy concerns only policy and process going forward, without regard to any prior cases or parties involved. It is imperative to craft policy from a position of neutrality, recognizing that any one of us could someday find ourselves on either side of a complaint.

Currently, when a complaint is filed against a member of the governing body, there is no explicit requirement for that member to recuse themselves from the adjudicatory process. In practice, this leaves the decision to the individual councilmember, creating ambiguity and exposing all parties—the complainant, the councilmember, and the city—to unnecessary risk. The absence of clear direction invites potential conflict-of-interest challenges and perceptually grants the councilmember an advantage over the complainant.

Adding clear recusal language would not only strengthen the process but also protect councilmembers themselves by providing straightforward guidance to those who serve—often as part-time volunteers rather than governance experts.

By way of background, many legislative bodies require recusal in similar circumstances to ensure fairness and avoid conflicts of interest. For example, the California State Assembly's policy is prescriptive: if a verified complaint is filed against a member of the Assembly Committee on Ethics, *"the Speaker shall temporarily replace the member with a Member from the same political party, who shall serve until the complaint is dismissed or the Assembly takes final action on the complaint, whichever occurs first."*

While a substitution process would be too cumbersome at the city level, a practical solution would be for the council to proceed as a four-member body in such cases.

During the proceedings, a councilmember who is the subject of a complaint should retain the full right to participate as a witness and to respond to the complaint during the hearing phase. However, participating as an adjudicator in their own case is, in my view, improper and inconsistent with the principles of fairness and good governance.

Best regards,

Heidy Kellison  
Capitola Resident

