



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: RICHARD DOYLE
City Attorney

SUBJECT: Civil Service Commission
Applications

DATE: November 30, 2017

BACKGROUND

This Office routinely reviews applications for appointment to City boards and commissions. The applications generally do not provide complete information; however, they do occasionally disclose potential conflicts of interest or incompatible offices. The purpose of this memorandum is to highlight major areas of known potential conflicts that are disclosed by the applications.

COMMISSION DUTIES

As established by the City Charter, the Civil Service Commission makes recommendations to the Council and the City Manager and conducts investigations concerning the administration of personnel in the Classified Service. The Commission acts as an appellate body for certain personnel decisions affecting City employees and applicants. The Commission also reviews and recommends changes to Civil Service Rules and appoints members of the City Council Salary Setting Commission.

COMMISSION COMPOSITION

The Civil Service Commission consists of five members. City Charter section 1001(a) requires that one member must be an attorney who has practiced law in the State of California for at least five years and that no more than four members may be of the same sex. In addition, City Charter section 1001(b) requires that one Commissioner be nominated through an election conducted of City civil service employees. Three candidates may be nominated through employee vote. The current two applicants for consideration were nominated through this process.

LEGAL CONFLICTS THAT MAY PRECLUDE VOTE OR PARTICIPATION

Certain positions may preclude a commissioner from participating in a commission discussion or from voting if a matter involving the entity comes before the commission. While this list is not complete, these types of conflicts generally fall within one or more of the following situations:

- An application shows entities that are “sources of income” to a potential commissioner within the 12 months preceding the start of the commission term, as defined under the Political Reform Act.
- An application shows sources of income to a Spouse or Domestic Partner of a potential commissioner within the 12 months preceding the start of the commission term.
- An applicant or the Spouse or Domestic Partner of an applicant is an Officer or Board Member of an entity and it is foreseeable that the entity could be involved in a matter coming before the commission.

APPEARANCE OF BIAS

There may be facts which would not amount to a legal conflict of interest requiring a commissioner to recuse him or herself from a commission vote or discussion but the relationship could create an appearance of bias on the part of the commissioner. City Council policy requires commissions to be free from bias in their decision making and may require a commissioner to recuse him or herself if the facts could reasonably lead one to conclude that the applicant would be biased for or against an entity or entities.

APPLICANTS

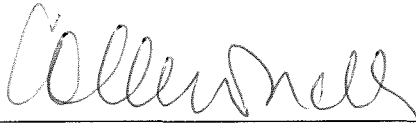
William “Bill” Brill – Mr. Brill’s application indicates he is retired. He receives pensionable income from Pacific Gas and Electric and IBEW Local 1245. His application discloses neither incompatible offices nor apparent conflicts of interest.

Robert Gill – Mr. Gill’s application discloses that he is employed as an IHS Counselor for the County of Santa Clara. His application discloses neither incompatible offices nor apparent conflicts of interest.

CONCLUSION

None of these applicants appears to have any incompatible offices or pervasive conflicts that would prevent any of them from serving on the Civil Service Commission. The City Council may wish to consider the above comments in making its appointments to the Commission.

RICHARD DOYLE,
City Attorney

By: 
COLLEEN D. WINCHESTER
Senior Deputy City Attorney

cc: David Sykes
Toni Taber