

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Nora Frimann
City Attorney

SUBJECT: Conflicts Review –
Arts Commission Applicants

DATE: November 8, 2024

BACKGROUND

This Office routinely reviews applications to City Boards and Commissions. The applications generally do not provide complete information regarding actual conflicts; however, they do occasionally disclose potential conflicts of interest or incompatible offices. The purpose of this memorandum is to highlight areas of potential conflict which are disclosed by the applications. In order to analyze potential conflicts, it is necessary to consider the duties of the particular commission for which the applicants are seeking appointment. This review is limited to the information provided on the applications and is not intended to be a comprehensive investigation of potential conflicts involving the applicants.

COMMISSION DUTIES

Pursuant to the San Jose Municipal Code, the Arts Commission advises the City Council and other City boards and commissions on matters relating to the arts and cultural life of the City, reviews and recommends funding levels for grant applications from cultural and other organizations and monitors the City's art acquisition program.

The Commission is also responsible for formulating recommendations with respect to the City's art in public places program, in conjunction with the appropriate City departments and commissions.

Persons appointed to the Commission must have "acknowledged accomplishment" in one or more fields of art or "they must have demonstrated a deep interest and appreciation of cultural and artistic activities."

APPLICANTS

The applicants listed below were reviewed by our office. The applications do not disclose incompatible offices or apparent conflicts of interest that would substantially impair the functioning of the Arts Commission.

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 a commissioner and an entity comes

before the Commission in the situations mentioned below. 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 of 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.

REVIEW OF APPLICANTS

Set forth below are the applicants and any apparent legal conflicts of interest and/or appearance of bias related to entities that are likely to come before the Arts Commission in some manner, as identified on the applications.

Alejandro Aroz – Mr. Aroz is a Sheet Metal Estimator for Cortec Precision Manufacturing in San Jose. It is possible that the Commission could consider a matter involving an organization affiliated with Mr. Aroz which may present an actual conflict or appearance of bias. In such a case, Mr. Aroz may need to disqualify himself from taking part in the Commission’s decision on that matter. Otherwise, the application discloses no incompatible offices nor apparent conflicts of interest.

James Carter – Mr. Carter is the CEO of Camp Carter International in San Jose. Mr. Carter may be and or was a vendor contractor for Parks and Recreation for ten years. Mr. Carter appears to be an applicant for the Airport Commission, Historic Landmarks Commission, and Parks and Recreation Commission. Mr. Carter if selected for the Arts Commission should not seek appointment on the Airport Commission or Historic Landmarks Commission or Parks and Recreation Commission as he may not

serve on more than one commission at a time pursuant to Council Policy Number 0-4. It is possible that the Commission could consider a matter involving a source of income to or an organization affiliated with Mr. Carter may present an actual conflict or appearance of bias. In such a case, Mr. Carter may need to disqualify himself from taking part in the Commission's decision on that matter. Otherwise, the application discloses no incompatible offices nor apparent conflicts of interest.

Jesus Lorenzo Carrillo Arciniega – Mr. Arciniega is a Senior Operating Clerk 1 for Pacific Gas and Electric Company in San Jose. His spouse is also an Operating Clerk for Pacific Gas and Electric Company in Cupertino. Mr. Arciniega is currently attending San Jose State University and is a Board Member of the San Jose Villa Antigua HOA along with being an active member of the South Bay Labor Council (San Jose). He participates in local community arts programs in San Jose and helps in organizing charity events for the local San Jose community groups. He was former Chair at the AFL-CIO Young Workers Advisory Council. Mr. Arciniega appears to be an applicant for the Historic Landmarks Commission. Mr. Arciniega if selected for the Arts Commission should not seek appointment on the Historic Landmarks Commission as he may not serve on more than one commission at a time pursuant to Council Policy Number 0-4. It is possible that the Commission could consider a matter involving an organization affiliated with Mr. Arciniega which may present an actual conflict or appearance of bias. In such a case, Mr. Arciniega may need to disqualify himself from taking part in the Commission's decision on that matter. Otherwise, the application discloses no incompatible offices nor apparent conflicts of interest.

Lorena Cortez – Ms. Cortez is a Graphic Designer for Laguna Beach Textile Company. She is the Program Director of the San Jose Film Collective since 2023, which is fiscally sponsored by Local Color Program. Local Color is a charitable organization based in San Jose that creates economic opportunities for local artists. She has most recently, directed and produced a short film titled Copacabana. Further, she helped coordinate the Bay Mingle Mixer hosted by the San Jose Film Collective, which brought together filmmakers and creatives from the Bay Area. It is possible that the Commission could consider a matter involving a source of income to or an organization affiliated with Ms. Cortez which may present an actual conflict or appearance of bias. In such a case, Ms. Cortez may need to disqualify herself from taking part in the Commission's decision on that matter. Otherwise, the application discloses no incompatible offices nor apparent conflicts of interest.

Emily G Esparza – Ms. Esparza is the Vice President of Culture & Community Engagement with National University in San Jose. She is currently elected as a Northern California Representative to Hispanics Organized for Political Advocacy

(HOPE) Fellow. Further, she was a nominated speaker in 2023 for Silicon Valley Hispanic Foundation and National Association of Diversity Officers. She is serving a Board, but she does not specify in her application. It is possible that the Commission could consider a matter involving a source of income or consider a matter involving an organization affiliated with Ms. Esparza which may present an actual conflict or appearance of bias. In such a case, Ms. Esparza may need to disqualify herself from taking part in the Commission's decision on that matter. Otherwise, the application discloses no incompatible offices nor apparent conflicts of interest.

Tiffany Guajardo – Ms. Guajardo is self-employed as a Curator/Muralist. In 2023, she helped to transform a neglected alleyway into an open-air art gallery. She was able to revitalize that space with the support of over 30 volunteer artists, local businesses, and residents. Further, in June 2024 for Make Music Day she curated a lineup of talented musicians, vendors, and live artists to join in on the festivities. Ms. Guajardo appears to be an applicant for the Historic Landmarks Commission. Ms. Guajardo if selected for the Arts Commission should not seek appointment on the Historic Landmarks Commission as she may not serve on more than one commission at a time pursuant to Council Policy Number 0-4. It is possible that the Commission could consider a matter involving a source of income to or an organization affiliated with Ms. Guajardo which may present an actual conflict or appearance of bias. In such a case, Ms. Guajardo may need to disqualify herself from taking part in the Commission's decision on that matter. Otherwise, the application discloses no incompatible offices nor apparent conflicts of interest.

Alexandra Hughes-Caley – Ms. Hughes-Caley is currently not employed but is a Primary Caregiver to her two young children. Her spouse is self-employed as business owner of Someday LLC where the business involves the sale of manufactured homes and is a fellow artist. She is apart of the Board of Directors for Mandala Children's House. Further, she has spent over ten years as a professional artist along with several years as an arts educator/faculty in the arts at several universities but does not specify where in her application. It is possible that the Commission could consider a matter involving a source of income to or an organization affiliated with Ms. Hughes-Caley which may present an actual conflict or appearance of bias. In such a case, Ms. Hughes-Caley may need to disqualify herself from taking part in the Commission's decision on that matter. Otherwise, the application discloses no incompatible offices nor apparent conflicts of interest.

Lee Andra Leota – Ms. Leota is a Mental Health Therapist at Prodigy Clinic in San Jose. She has a Bachelors in Sociology with a concentration Women, Gender,

Sexuality, and Masters in Sociology from San Jose State University. She has experience as a small business owner but does not specify in her application which small business. Further, she has experience serving on boards such as San Jose Hitsquad, Pacific Feats, and the Youth Elite Standards. It is possible that the Commission could consider a matter involving an organization affiliated with Ms. Leota which may present an actual conflict or appearance of bias. In such a case, Ms. Leota may need to disqualify herself from taking part in the Commission's decision on that matter. Otherwise, the application discloses no incompatible offices nor apparent conflicts of interest.

De Anna Mcneal Mirzadegan – Ms. Mirzadegan is the Owner and President of her own business McNeal Enterprises, Inc in San Jose. She also manages two property management companies, AMG Ringwood and Mirzadegan Management which own multiple properties in both Santa Clara and Santa Cruz County. Ms. Mirzadegan's spouse is the Owner of Great Bear Coffees in Los Gatos. She is currently President of the Willow Glen Neighborhood Association since 2021 with her final term ending this year on December 31, 2024, and has been a member of the Board since 2019. Further, she is apart of the Wilde Mural Panel since 2024. She has personally solicited artist applications for San Jose Beautify and manages all the neighborhood beautification projects. Ms. Mirzadegan appears to be an applicant for the Historic Landmarks Commission. Ms. Mirzadegan if selected for the Arts Commission should not seek appointment on the Historic Landmarks Commission as she may not serve on more than one commission at a time pursuant to Council Policy Number 0-4. It is possible that the Commission could consider a matter involving a source of income to or an organization affiliated with Ms. Mirzadegan which may present an actual conflict or appearance of bias. In such a case, Ms. Mirzadegan may need to disqualify herself from taking part in the Commission's decision on that matter. Otherwise, the application discloses no incompatible offices nor apparent conflicts of interest.

Vellachi Palaniappan – Ms. Palaniappan is a Program Manager at AMD in San Jose. Ms. Palaniappan's spouse is a Manager with Realization Technologies in San Jose. Ms. Palaniappan has an MBA from Harvard along with planning, building, and property management experience in San Jose. It is possible that the Commission could consider a matter involving an organization affiliated to Ms. Palaniappan which may present an actual conflict or appearance of bias. In such a case, Mr. Palaniappan may need to disqualify herself from taking part in the Commission's decision on that matter. Otherwise, the application discloses no incompatible offices nor apparent conflicts of interest.

Gregory Santos-Koess – Mr. Santos-Koess is a Manager of Localization with Apple in Sunnyvale. Mr. Santos-Koess' spouse is employed with Simultrans as an Account Manager in Mountain View. In his current employment he is involved with various employee groups but does not specify in his application. It is possible that the Commission could consider a matter involving an organization affiliated with Mr. Santos-Koess which may present an actual conflict or appearance of bias. In such a case, Mr. Santos-Koess may need to disqualify himself from taking part in the Commission's decision on that matter. Otherwise, the application discloses no incompatible offices nor apparent conflicts of interest.

Alexis Steen – Ms. Steen is Vice President Branch Manager of HomeStreet Bank in Santa Clara. She is Community Vice President of San Jose Junior League Gala Committee at the Silicon Valley Boys and Girls Club. Ms. Steen is a part of Miss Oakland and Miss San Francisco Board and Judge's Chair. She has been doing philanthropy work for over fifteen years, has been on many boards and in a leadership position for eight years. Ms. Steen appears to be an applicant for the Library and Education Commission. Ms. Steen if selected for the Arts Commission should not seek appointment on the Library and Education Commission as she may not serve on more than one commission at a time pursuant to Council Policy Number 0-4. It is possible that the Commission could consider a matter involving an organization affiliated with Ms. Steen which may present an actual conflict or appearance of bias. In such a case, Ms. Steen may need to disqualify herself from taking part in the Commission's decision on that matter. Otherwise, the application discloses no incompatible offices nor apparent conflicts of interest.

Manjiri Yeravadekar – Mr. Yeravadekar is the Head of Software Program Management with Mill Industries in San Bruno. Mr. Yeravadekar's spouse is employed with Oracle Corporation in Redwood City as a Software Architect. He is either a current or prior Chairperson for the Fundraising Committee at Dilworth Elementary School in San Jose for 5 years. Part of the funds were allocated to the arts program at the Elementary School. Mr. Yeravadekar regularly volunteers with ReadingPartners, a children's literacy program and Second Harvest of Silicon Valley. It is possible that the Commission could consider a matter involving an organization affiliated with Mr. Yeravadekar which may present an actual conflict or appearance of bias. In such a case, Mr. Yeravadekar may need to disqualify himself from taking part in the Commission's decision on that matter. Otherwise, the application discloses no incompatible offices nor apparent conflicts of interest.

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CONCLUSION

The applicants do not appear to have any incompatible offices or pervasive conflicts which would prevent serving on the Commission. You may wish to consider the above comments in making your recommendation on appointment to the Commission.

NORA FRIMANN

City Attorney

By: /s/ Shevata K. Kumar

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Toni J. Taber, CMC, City Clerk