

# *Memorandum*

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Nora Frimann  
City Attorney

**SUBJECT: Conflicts Review –  
Arts Commission Applicants**

**DATE:** November 23, 2022

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## **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 application listed below were reviewed by our office. The application does 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.

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**Anthony Cordova** – Mr. Cordova's application indicates he is Chief Operating Officer of Riva DCM, LLC, a Silicon Valley real estate lending fund, located in Campbell, CA. His spouse is Chief Talent Officer with the Peninsula Open Space Trust located in Palo Alto, CA. Mr. Cordova has prior experience as Vice President of Entertainment and Business Relations raising millions of dollars for charity with well-known musical artists from around the world for various organizations like the Red Cross, Habitat for Humanity, Born this Way Foundation, Humane Society, Farm Aid, and the ACLU. He is currently working on two local political campaigns. Mr. Cordova may need to disqualify himself from taking part in any Art Commission's decision on related matters to the campaigns if doing so would present a financial conflict of interest. The application discloses neither incompatible offices nor apparent conflicts of interest.

## **CONCLUSION**

The applicant does 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/ Rosa Tsongtaatarii  
ROSA TSONGTAATARII  
Chief Deputy City Attorney

cc: Jennifer Maguire, City Manager  
Toni J. Taber, CMC, City Clerk