

# *Memorandum*

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**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Nora Frimann  
City Attorney

**SUBJECT:** Conflicts Review - Parks &  
Recreation Commission  
Applicant

**DATE:** May 7, 2025

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## **BACKGROUND**

This Office routinely reviews applications to City Boards and Commissions. The applications generally do not provide complete information regarding potential 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 application. In order to analyze potential conflicts, it is necessary to consider the duties of the particular commission for which the applicant is seeking appointment. This review is limited to the information provided on the applications and is not intended to be comprehensive investigation of potential conflicts involving the applicants.

## **COMMISSION DUTIES**

The Parks and Recreation Commission's duties include studies, reviews, evaluation, and making recommendations to the City Council regarding the City's Parks and Recreation programs. The Parks program includes the location, design, and maintenance of parks and other recreation facilities. The Recreation programs include adult sports and youth, senior and special population activities. If an applicant lives in proximity to the park or recreational facility, there may be occasions when he or she may have to abstain from participation in matters before the Commission that concern the particular facility. We have no way of evaluating this situation in advance – City staff would need to evaluate the location of the project and the commissioner's residence on a case-by-case basis.

## **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.

### **REVIEW OF APPLICANT**

The application from the applicants listed below was reviewed by our office. Unless otherwise indicated, no application discloses incompatible offices or apparent conflicts of interest that would substantially impair the functioning of the commission.

**Viviana Barnwell** – Viviana Barnwell’s application indicates that she is currently employed by the San Jose Unified School District. She also serves as a council member of the Legislative and Public Policy Committee on the State Council on Developmental Disabilities. She also co-teaches the Leadership Development Module for the LEND program at UC Davis. The application also discloses that she is a member of a committee for the selection of officers for the Santa Clara County Office of Disability Affairs. It is possible that the Commission could consider a matter involving these organizations which may present an actual conflict or appearance of bias. In such a case, Viviana Barnwell 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.

**Giavanna Vega** – Giavanna Vega’s application indicates she is an Esthetician for Amagialis. The application discloses no incompatible offices nor apparent conflicts of interest.

**Jose Villarreal** – Jose Villarreal’s application indicates he is currently unemployed. The application discloses no incompatible offices nor apparent conflicts of interest.

**Daisy Barocio** – Daisy Barocio’s application indicates she is a Principal at the Union School District. Her spouse is a Principal at the Santa Clara Unified School District. If the Commission considers a matter involving either school district, it may present an actual conflict or appearance of bias. In such a case, she 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.

**Roxanne Koopman** – Roxanne Koopman’s application indicates she is currently employed as a Adapted PE Specialist for the Palo Alto Unified School District. The application discloses no incompatible offices nor apparent conflicts of interest.

**James Carter** – James Carter’s application indicates he is currently employed as CEO of Camp Carter International.

**Sachihiko (Mike) Michitaka** – Sachihiko Michitaka’s application indicates they are currently self employed. Their application also indicated they served on the Parks and Recreation Commission for the City of Sunnyvale in 2021 and is currently an Environmental and Ware Resources Committee member for Santa Clara Valley Water District. The application discloses no incompatible offices nor apparent conflicts of interest.

**Carly Beard** – Carly Beard’s application indicates she is currently employed as an Advancement Manager for the Guadalupe River Park Conservancy. The City has an active agreement with the Conservancy, so if the Commission considers a matter involving the Conservancy, it may present an actual conflict or appearance of bias. In such a case, she 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 Duru** – Gregory Guru’s application indicates he is currently employed as a Security Advisor for San Jose Job Corps. The application discloses no incompatible offices nor apparent conflicts of interest.

## **CONCLUSION**

You may wish to consider the above comments in making your recommendation on appointment to the Commission.

HONORABLE MAYOR AND CITY COUNCIL

May 7, 2025

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