

Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Nora Frimann
City Attorney

SUBJECT: Measure T Community
Oversight Committee

DATE: April 10, 2023

BACKGROUND

This Office routinely reviews applications to City Boards, Commissions and Committees. The applications 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 potential conflict that are disclosed by the applications for the Measure T Community Oversight Committee. In order to analyze potential conflicts, it is necessary to consider the duties of the particular commission or committee to which the applicant is seeking appointment.

COMMITTEE DUTIES

The Measure T Community Oversight Committee (“Measure T Committee”) was established pursuant to Resolution No. 79165 that the City Council adopted on June 18, 2019. Per Resolution No. 79165, the Measure T Committee is required to meet once each year and has the following responsibilities:

1. Review the expenditure of the proceeds of Measure T Bonds to ascertain consistency with the voter approved purposes for the funds;
2. In connection with the review of expenditures of Measure T Bonds, review and forward to the City Council the City Auditor’s separate audit of the proceeds of the Measure T Bonds as well as the Director of Finance’s annual report on the amount of Measure T Bonds issued and the amount of ad valorem tax collected for each prior fiscal year ending June 30th; and
3. Review the status of projects funded with the proceeds of Measure T Bonds and forward a status report on the pending Measure T projects to the City Council.

COMMITTEE MEMBERSHIP

The Measure T Committee is to be comprised of fifteen members, with each member nominated pursuant to the process set forth in San José Municipal Code 2.08.180, as may be amended. Each Councilmember recommends one Committee member who is a

resident of the district of the nominating Council Office. The Mayor recommends five members as citywide representatives, with each member possessing subject matter expertise in one of the following fields: public safety, environmental issues, labor, business, and finance or accounting. Each of the nominations shall be considered by the full Council for formal appointment. Nominees must be residents of San José. Subject matter expertise in the fields of emergency and disaster response, public safety, finance, and/or transportation is highly desirable.

APPLICANTS

New Applicant:

Gilberto Torres – Mr. Torres resides in District 8. He was formerly a police officer from 1980 until January 2010 with a background in public safety, and emergency/disaster response. Mr. Torres' spouse is a retired school principal. His application discloses neither incompatible offices nor apparent conflicts of interest.

CONCLUSION

The applicant does not appear to hold any incompatible offices or to have conflicts of interest that would preclude them from serving on the Measure T Committee. The City Council may wish to consider the above comments in considering the appointment to the Measure T Committee.

NORA FRIMANN
City Attorney

By /s/ Rosa Tsongtaarii
Rosa Tsongtaarii
Chief Deputy City Attorney

cc: Jennifer Maguire, City Manager
Toni Taber, City Clerk