

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: NORA FRIMANN
City Attorney

SUBJECT: Conflicts Review - Airport
Commission Applicants

DATE: August 28, 2023

BACKGROUND

This Office routinely reviews applications to City Boards and Commissions. 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. To analyze potential conflicts, it is necessary to consider the duties of the particular commission to which the applicant is seeking appointment.

COMMISSION DUTIES

Under the Municipal Code, the Airport Commission is an advisory body that makes recommendations to the Council and the Airport Department on matters on its workplan as approved by the Rules and Open Government Committee. The Airport Commission serves as an advisory body to the City Council and the Director of Aviation regarding Airport noise related issues and provides a public forum for Airport noise related issues, policies, and decisions. The Airport Commission is also responsible to monitor curfew intrusion information and reviews the City's Airport public information program and the City's Airport noise complaint procedures. The Commission also hears appeals of administrative citations issued by the Director of Aviation for violations of the City's Curfew Ordinance and appeals of revocations or denials of Airport permits.

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 that 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

Surjit Bains – Mr. Bains resides in District 8, and he completed his first term as an Airport Commissioner in June 2023. He is self-employed. His application discloses neither incompatible offices nor apparent conflicts of interest.

Hai Bui – Mr. Bui is a resident of District 2 and is employed by VMware as a Principal Software Engineer. His application discloses neither incompatible offices nor apparent conflicts of interest.

Mike Campbell – Mr. Campbell is a resident of District 10 and is employed by Moore Iacofano Goltsman, Inc. as Director of Environmental Analysis. His application discloses neither incompatible offices nor apparent conflicts of interest.

Carlos Casas-Hawkins – Mr. Casas-Hawkins is a resident of District 10 and works as an Administrative Assistant at Luther Burbank School District. His application discloses neither incompatible offices nor apparent conflicts of interest.

Jason Gordon – Mr. Gordon is a resident of District 10 and is employed by Workday as a Senior Technical Program Manager. His spouse is employed at Sutter Health. His application discloses neither incompatible offices nor apparent conflicts of interest.

Prateek Gupta – Prateek Gupta resides in District 4, is a current Airport Commissioner and is self-employed. The application discloses neither incompatible offices nor apparent conflicts of interest.

Robert Hencken – Mr. Hencken is a resident of District 9 and is the Owner and President of Hencken Development Consultants, LLC. Mr. Hencken worked for the City

of San Jose as a Civil Engineer I/II and Associate Civil Engineer from 1981 to 1989. His spouse is retired from the City of San Jose. His application discloses neither incompatible offices nor apparent conflicts of interest.

Elizabeth Holt – Ms. Holt resides in District 3 and works at Silicon Valley Bank as Senior Manager, Talent Development. Her application discloses neither incompatible offices nor apparent conflicts of interest.

Dana Todd Iketani – Mr. Iketani is a resident of District 6 and works at Shield Intellectual Property PC as an Attorney. His application discloses neither incompatible offices nor apparent conflicts of interest.

Manoj Kumar – Manoj Kumar resides in District 1 and works at Google and lists a job title as “Leadership.” The application discloses neither incompatible offices nor apparent conflicts of interest.

John Leipelt – Mr. Leipelt resides in District 2 and lists his occupation as a retired supervisor. Mr. Leipelt’s spouse is a teacher at Evergreen School District. The application discloses neither incompatible offices nor apparent conflicts of interest.

Cristian Martinez-Carranza – Mr. Martinez-Carranza is a resident of District 3 and works at Varian as a Supplier Quality Engineer. His spouse is employed at DCP Alum Rock High School as a Special Education Teacher. His application discloses neither incompatible offices nor apparent conflicts of interest.

Ravi Pathak – Mr. Pathak is a resident of District 7 and works at Oracle as a Senior Director of Oracle Fusion Cloud SaaS. His spouse works at CDC as a Master Teacher. His application discloses no other incompatible offices nor apparent conflicts of interest.

Babu Ramaraj – Babu Ramaraj resides in District 6 and works at Adobe Inc. as Director of Program and Operations. Mr. Ramaraj’s spouse is a teacher at ACE Charter School in San Jose. The application discloses neither incompatible offices nor apparent conflicts of interest.

Greg Richardson – Mr. Richardson is a resident of District 3 and works at the Santa Clara Valley Transportation Authority as the Assistant GM and CFO. Mr. Richardson’s spouse is a retired teacher. His application discloses neither incompatible offices nor apparent conflicts of interest.

Antonio Shelly – Mr. Shelly is a resident of District 3 and works at CoreSite as a Data Center Operations Manager. His application discloses neither incompatible offices nor apparent conflicts of interest.

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Jaya Singhal – Jaya Singhal resides in District 6 and works at Ariat International Inc. as Director of Data Science and Strategy. The application discloses neither incompatible offices nor apparent conflicts of interest.

Jasvinder Sohal – Jasvinder Sohal resides in District 4 and works at the Santa Clara County Office of Education as a Manager for Purchasing/Internal Business Services. The application discloses neither incompatible offices nor apparent conflicts of interest.

Nick Wester – Mr. Wester resides in District 6 and works at Azazie, Inc. as a QC Supervisor. His application discloses neither incompatible offices nor apparent conflicts of interest.

Margaret Wheeler – Ms. Wheeler is a resident of District 4 and she is retired. Her spouse is retired, too. Her application discloses neither incompatible offices nor apparent conflicts of interest.

CONCLUSION

None of the applicants appear to hold any incompatible offices or to have conflicts of interest that would preclude them from serving on the Airport Commission.

NORA FRIMANN,
City Attorney

By: _____
Kevin Fisher
Assistant City Attorney

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

Memorandum

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.

HONORABLE MAYOR AND CITY COUNCIL

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Subject: Arts Commission Applicants – Conflict 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

SHEVATA K. KUMAR

Associate Deputy City Attorney

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

Memorandum

TO: HONORABLE MAYOR AND CITY
COUNCIL

FROM: Nora Frimann
City Attorney

SUBJECT: Downtown Parking Board
Applicants: Conflicts of Interest

DATE: November 13, 2024

BACKGROUND

Following the recommendation of a member by the Mayor, the City Council may approve the recommendation and appoint members to the Downtown Parking Board (“Board”).

This office routinely reviews applications to City Boards, Commissions and Committees. Although the applications do not provide complete information, 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. 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.

DUTIES

The Board is comprised of seven-members and established to:

- A. Review, evaluate and make recommendations to the city council regarding the city's downtown parking program, including, but not limited to:
 1. The updating and implementation of any downtown parking plan that has been approved by the city council.
 2. The annual capital and operating budgets respecting the downtown parking program.
 3. The award of consultant and vendor contracts related to the downtown parking program.
 4. The goals and objectives for the downtown parking program.
 5. The on-street and off-street parking rates and implementation of parking validation programs.
 6. The marketing of on-street and off-street parking facilities in downtown.

7. The implementation of downtown parking enforcement.
 8. The operation of public off-street and on-street parking facilities.
- B. Periodically review, evaluate and make recommendations regarding the parking fund fiscal reports and the use of parking operations revenues.
 - C. Review and make recommendations on downtown parking needs, the expansion, addition or improvement of downtown parking facilities, and improvements to parking operations downtown.
 - D. Serve as a public forum for the discussion of downtown parking issues.

MEMBERSHIP REQUIREMENTS

Board members must be appointed to the Board upon the Mayor's recommendation to the City Council and the City Council's approval of such recommendation. The Board consists of seven members as follows:

- A. A member of the Downtown Business Association.
- B. A representative of a business association within a designated meter district outside of the Downtown Core.
- C. A representative from San Jose State University.
- D. A downtown resident.
- E. A member of an organization representing downtown arts and/or special events.
- F. Two at-large individuals with expertise in business and/or finance and/or an owner/representative of a private off-street parking facility located within the Downtown Core, with a maximum of one at-large seat filled by an owner/representative of a private off-street parking facility.

LEGAL CONFLICTS THAT MAY PRECLUDE VOTE OR PARTICIPATION

Certain positions may preclude a Board member from participating in a Board discussion or from voting on a matter if there is a conflict. While this list is not complete, conflicts usually fall within 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 Board term, as defined under the Political Reform Act.
- An application shows sources of income to a spouse or Domestic Partner of a potential Board member within the 12 months preceding the start of the Board 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 Board.

In each of these instances, the Board member may be required to recuse himself or herself if a matter comes before the Board affecting the above interests. A Board member’s employer, or the employer of the member’s spouse, is generally considered a source of income to the member such that the member will have to recuse himself or herself from taking part in the Board’s decision on a matter if the decision will have a foreseeable financial effect on the employer.

APPEARANCE OF BIAS

There may also be facts which would not amount to a legal conflict of interest, but still require recusal because certain relationships may create an appearance of bias. City Council policy requires Board members to be free from bias in their decision making and may require recusal if the facts could reasonably lead one to conclude that the member would be biased for or against an entity or entities.

APPLICANTS

Chien-Hale, Elizabeth: Applicant applied on September 22, 2024. Applicant is a resident of District 3 in San Jose and employed as a Partner at Appleton Luff, located at 99 S. Almaden Blvd, in San Jose. The Applicant is a current Board member of the business-side San Jose Downtown Association. The Applicant appears to satisfy the requirements for members of the Board from the Downtown Business Association.

Duru, Gregory: Applicant applied on April 6, 2024. Applicant is a resident of District 5 in San Jose and employed as a Security Supervisor with San Jose Job Corps located at 3485 East Hills Drive, in San Jose. The Applicant is applying as a Downtown resident or a Representative of a business association within a designated meter district outside of the Downtown core. The Applicant’s employment may satisfy the requirements for the applied membership.

Heindel, J.D.: Applicant applied on July 5, 2024. Applicant is a resident of District 10 in San Jose and employed as the President of Movimentum Inc., located at 54 W. Santa Clara Street, in San Jose. The Applicant is applying as a member at-large with expertise in business and/or finance. The Applicant's employment appears to satisfy the requirements for at-large members.

Massey, Robert: Applicant applied on September 23, 2024. Applicant is a resident of District 9 in San Jose and employed as the CEO & executive Artistic Director of Symphony San Jose located at 325 1st Street, Ste 160, in San Jose. The Applicant is applying as a member of an organization representing downtown arts and/or special events. The Applicant's employment appears to satisfy the requirements for members of an organization representing downtown arts and/or special events.

CONCLUSION

The Council may wish to consider the above comments in making its recommendations regarding appointments to the Board.

NORA FRIMANN
City Attorney

By /s/ Matthew Tolnay (electronically signed)
Matthew Tolnay
Deputy City Attorney

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

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Nora Frimann
City Attorney

SUBJECT: Historic Landmarks
Commission Applicants

DATE: November 8, 2024

BACKGROUND

The Office of the City Attorney routinely reviews applications to City Boards and Commissions. The applications do not provide complete information regarding potential conflicts of interest; 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. 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 a comprehensive investigation of potential conflicts involving the applicants.

COMMISSION DUTIES

The Historic Landmarks Commission has two major responsibilities under the Municipal Code:

1. To serve in an advisory capacity to the City Council, the City Manager, and the Director of Planning with respect to various actions proposed to be taken involving property of historical significance. The various actions include acquisition, gifts, disposal, designation, sales and exchanges of such property; and
2. To encourage and promote the preservation of historic landmarks, sites, artifacts and other property connected with the history of the City of San José.

The members of the Commission must be persons having demonstrable interest and expertise in historic preservation. Whenever possible, at least three (3) members shall have professional expertise in one of the following disciplines: architecture, history, architectural history, planning, prehistoric and historic archaeology, folklore, cultural anthropology, curation, conservation, landscape architecture or related disciplines.

LEGAL CONFLICTS THAT MAY PRECLUDE VOTE OR PARTICIPATION

Certain positions and other financial interests may preclude a commissioner from participating in a Commission discussion and 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 of 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.
- An applicant has an interest (including community property interest) in real property, such as their place of residence or any other real property in San José, that may be affected by a matter coming before the Commission.

APPEARANCE OF BIAS

There may be facts which would not amount to a legal conflict of interest under the Political Reform Act requiring a commissioner to abstain from a commission vote or discussion, but the relationship could indicate a bias or the appearance of bias on the part of the commissioner. City Council policy requires commissioners to be free from bias in their decision making and may require a commissioner to abstain if the facts could reasonably lead one to conclude that the commissioner would be biased for or against an applicant or application.

REVIEW OF APPLICANTS

Multiple applications were received and determined by the City Clerk to meet the basic qualifications for consideration. Applications from the applicants listed below were reviewed by our office. Set forth below is a list of the new applicants and any apparent legal conflicts of interest and/or appearance of bias related to entities that are likely to come before the Commission in some manner, as identified in their applications.

HISTORIC LANDMARKS COMMISSION APPLICANTS:

Council District 1

Artist Chelemengos applied on September 28, 2024. Artist Chelemengos is a Building Attendant for the Public Library of Mountain View. Artist Chelemengos does not own real property in San José. If appointed, Artist Chelemengos may need to abstain from participating in decisions that potentially affect his employer.

Council District 3

Desiree Barragan applied on September 24, 2024. Ms. Barragan is self-employed and owns the business D&B Consultants. She does not own real property in San José. If appointed, Ms. Barragan may need to abstain from participating in decisions that potentially affect her business or clients.

Steve Cohen applied on March 18, 2024. Mr. Cohen is a Manager at Mojmir Properties LLC in San José. Mr. Cohen owns multiple properties in San José. If appointed, Mr. Cohen may need to abstain from participating in decisions that potentially affect his employer and his real property interests.

Barbara Goldstein applied on September 29, 2024. Ms. Goldstein is the founder and advisor for Art Builds Community LLC. Her spouse is retired. She owns real property in San José. If appointed, Ms. Goldstein may need to abstain from participating in decisions that potentially affect her business or real property interest.

Council District 5

Jesus Lorenzo Carrillo Arciniega applied on November 27, 2023. Mr. Carrillo Arciniega is a Senior Operating Clerk at PG&E. His spouse also works for PG&E as an Operating Clerk. Mr. Carrillo Arciniega real property in San José. If appointed, Mr. Carrillo Arciniega may need to abstain from participating in decisions that potentially affect his or his spouse's employer and his real property interest.

Council District 6

Rocco Souza applied on September 28, 2024. Mr. Souza is a Senior Manager for Ricoh. His spouse is employed by Wisk Aero located in Mountain View. He owns real property in San José. If appointed, Mr. Souza may need to abstain from participating in decisions that potentially affect his or his spouse's employer and his real property interest.

Council District 7

Ray Raffa applied on September 26, 2024. Mr. Raffa is retired from his profession as an electrical engineer. His spouse is also retired. He owns real property in San José. If appointed, Mr. Raffa may need to abstain from participating in decisions that potentially affect his real property interest and his or his spouse's previous employers, if they still receive income from those employers.

Council District 8

Himat Baniwal applied on September 26, 2024. Mr. Baniwal is self-employed as an attorney. He does not own real property in San José. If appointed, Mr. Baniwal may need to abstain from participating in decisions that potentially affect his business or clients.

Council District 10


Emily Esparza applied on February 19, 2024. Ms. Esparza is Vice President of Culture and Community Engagement at National University. Ms. Esparza owns real property in San José. If appointed, Ms. Esparza may need to abstain from participating in decisions that potentially affect her employer and her real property interest.

CONCLUSION

If an applicant is compensated for a given activity, there may be occasions when they may have to abstain from participation in matters before the Commission which concern the source of income. If an applicant is a member of a board, they may also be required to abstain when the organization of which they are a board member takes a position in favor or against a project before the Commission.

The applications do not reveal any pervasive conflicts of interest which would prevent the current applicants from serving on the Historic Landmarks Commission. You may wish to consider the above comments in making your recommendations on appointments to the Historic Landmarks Commission.

NORA FRIMANN
City Attorney

By 

DANIEL ZAZUETA
Senior Deputy City Attorney

Cc: Jennifer Maguire, City Manager
Toni Taber, CMC, City Clerk

Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Nora Frimann
City Attorney

SUBJECT: Updated Conflicts Review -
Housing and Community
Development Commission

DATE: November 15, 2024

BACKGROUND

This Office routinely reviews applications to City boards, committees, and commissions. Although the applications do not provide complete information, 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 applications. 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. This review is limited to the information provided on the applications and is not intended to be a comprehensive investigation of potential conflicts involving applicants.

COMMISSION DUTIES

The Housing and Community Development Commission (“HCDC” or “Commission”) was formed in July 2013 when the Housing and Community Development Advisory Commission was merged with the Advisory Commission on Rents (“ACR”) and the Mobilehome Advisory Commission (“MAC”). It serves as the successor to ACR and MAC fulfilling their duties under the Mobilehome Rent Ordinance, Chapter 17.22 of the Municipal Code and the Rental Dispute Mediation and Arbitration Ordinance (“Apartment Rent Ordinance”), Chapter 17.23 of the Municipal Code. These duties include review of the fees imposed under those ordinances. HCDC also reviews potential amendments to provisions of the Zoning Code that apply to mobilehomes including the City’s Mobilehome Park Conversion Ordinance. HCDC serves as the lead citizen participation group in the planning and programming of the Community Development Block Grant (“CDBG”). HCDC also makes recommendations on new and existing Housing Department programs and policies. Additionally, HCDC holds public

hearings and makes recommendations in conjunction with the City's Consolidated Plan and Annual Action Plans, which are related to the use and spending of federal funds, including CDBG, Emergency Solutions Grant ("ESG"), and Home Investment Partnerships Program ("HOME") funds. In 2020, HCDC was designated as the Oversight Committee for the Measure E funds reviewing and commenting on spending plans and expenditures consistent with Council Policy 1-18. The decisions made by the members of HCDC, particularly those related to the Consolidated Plan, may impact the spending of City funds.

COMMISSION MEMBERSHIP

The Commission is a 14 member body with the following special eligibility requirements: (a) one member shall be a person recommended by an organization of owners of San José mobilehome parks; (b) one member shall be a person recommended by an organization of residents of San José mobilehome parks; (c) one member shall be an owner or manager of San José rent stabilized apartments; (d) one member shall be a tenant of a San José rent stabilized apartment, (e) one member and an alternate member shall be persons with experience being homeless, and (f) at least five members shall represent low income households. The members nominated by the Mayor, District 3, District 5, and District 7 are the seats that are intended to be filled by persons representing low-income households. Additionally, the mobilehome park resident representative is deemed to be a representative of low-income households.

UPCOMING VACANCIES

There are currently three vacant seats on the Commission: the citywide tenant of a rent stabilized property member seat, District 4 seat, and District 9 seat. In accordance with Section 2.08.180 of the Municipal Code, the citywide tenant of a rent stabilized property vacant seat is to be nominated by the Mayor's Office.

APPLICANTS

The applications from the applicants eligible for the upcoming vacancies were reviewed by our office and are listed below. Unless otherwise indicated, the applications reviewed do not disclose incompatible offices or apparent conflicts of interest that would substantially impair the functioning of the 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 or affecting an entity comes before the commission, including consideration of a potential grant or contract, or a matter under the Mobilehome Rent Ordinance or the Apartment Rent Ordinance. 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 entities that are 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.

Additionally, a conflict may arise when the Commission is proposed to take action on a matter related to the Mobilehome Rent Ordinance, the Apartment Rent Ordinance or the Mobilehome related provisions of Title 20, if applicant resides in or owns a property subject to these ordinances and the potential commission action may impact the personal finances of the applicant.

Members serving as a mobilehome park representative or a residential rent stabilized apartment representative are permitted to take actions affecting mobilehome related matters or rent stabilized apartments matters, respectively, without violating general conflict of interest provisions of state and local law.

Municipal Code Section 2.08.2820 provides that: (a) one member of the Commission shall be a person recommended by an organization of residents of San José mobilehome parks, (b) one member of the Commission shall be a person recommended by an organization of owners of the San José mobilehome parks, and these members have designated seats on the Commission pursuant to Section 2.08.2830.A. Section 2.08.2820 also provides that: (c) one member shall be an owner or manager of a residential rent stabilized property, (d) one member shall be a tenant of rent stabilized unit, however, there are no designated seats for these representatives.

San José Municipal Code Section 2.08.2850 contains findings and declarations which provide that: (a) for the purposes of the mobilehome park owner who serves on the commission, the San José mobilehome park industry is tantamount to and constitutes the public generally within the meaning of California Government Code Section 87103; and (b) for purposes of the mobilehome park resident who serves on the commission, the San José mobilehome park residential community is tantamount to and constitutes the public generally within the meaning of California Government Code Section 87103. Together, these provisions allow the persons appointed to these representative positions to take action on issues related to the mobilehome rent ordinance or other mobilehome related matters without violation of the general conflict of interest provisions of state and local law. Municipal Code Section 2.08.2850 also contains findings and declarations which provide that: (c) for the purposes of the owner or manager of residential rent stabilized rental unit(s) who serves on the commission in San José, the residential rent stabilized rental property owners is tantamount to and constitutes the public generally within the meaning of California Government Code Section 87103; and for purposes of the tenant of a residential rent stabilized rental unit who serves on the commission, the San José residential rent stabilized rental unit tenants community is tantamount to and constitutes the public generally within the meaning of California Government Code Section 87103. Together, these provisions allow the persons appointed to these representative positions to take action on issues related to the Apartment Rent Ordinance or other rent stabilized apartment related matters without violation of the general conflict of interest provisions of state and local law.

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, however 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.

HOUSING DEPARTMENT GRANTEE POLICY

In addition to the conflicts listed above, it is Housing Department Policy that in order to avoid a perceived conflict of interest, no person who is a member of the board of

directors of, or is employed by, an agency that applies for or receives CDBG, ESG, HOME or other funding will be eligible to vote on funding decisions involving that agency regarding that funding source. Where an applicant is connected with a specific agency that has previously applied for grants or funding, this policy will be mentioned below.

REVIEW OF APPLICANTS

The list below summarizes some of the basic information from the applications and identifies any conflicts or potential conflicts. Since specific gender preferences of the applicants are not provided in the application, all applicants below are referred to as “them/their/they.”

Applicant Qualifying for Rent Stabilized Property Tenant Member Seat and Lived Experience Alternate Member Seat:

YAMILLE JIMENEZ: This application was submitted on January 18, 2024 and the applicant is applying for the lived experience with homelessness alternate member seat. According to the application, the applicant resides in Council District 5. The applicant indicates that they are employed by Next Door Solutions as a self sufficiency advocate. Their application indicates that they rent property in the City of San José and is the property is subject to rent control and therefore they would qualify to represent the Commission as the Apartment Rent Ordinance tenant representative. The spouse sections of this application indicates “N/A.” The application discloses no incompatible offices, incompatible activities, or conflicts of interest which appear likely to arise in the performance of the applicant’s duties as a Commission member.

ALI SAPIRMAN: The applicant resides in Council District 3. This application was submitted on September 18, 2024. This applicant indicates in the employment section that they are employed with Housing Action Coalition as a Housing Organizer and Policy Associate. The spouse sections of this application indicate “n/a.” Their application indicates that they rent a rent stabilized apartment in San José and therefore they would qualify to represent the Commission as the Apartment Rent Ordinance tenant representative. The application discloses no incompatible offices, incompatible activities, or conflicts of interest which appear likely to arise in the performance of the applicant’s duties as a Commission member.

Applicants with Lived Experience with Homelessness:

THOMAS KNIGHT: This application was submitted on March 24, 2024 and the applicant is applying for the lived experience with homelessness alternate member seat that is currently filled. According to the application, the applicant resides in Council District 3. Their application states that they currently serve as the Lived Experience Advisory Board of Silicon Valley. Their application indicates that they neither own nor rent property in the City of San José and live in an emergency interim housing site. The applicant indicates “N/A” under the employment section. The spouse sections of this application indicates “N/A.” The application discloses no incompatible offices, incompatible activities, or conflicts of interest which appear likely to arise in the performance of the applicant’s duties as a Commission member.

JANAE PINA: This application was submitted on January 25, 2024. According to the application, the applicant resides in Council District 6. Their application indicates that they are applying for the lived experience with homelessness alternate seat and the low income seat on the Commission (both of which are not currently open). The applicant indicates they are a Student Research, Peer Mentor for University of California, Berkeley. The spouse sections of this application indicate they are a teacher’s aide.” Their application indicates that they rent property in the City of San José but it is not subject to rent control. The application discloses no incompatible offices, incompatible activities, or conflicts of interest which appear likely to arise in the performance of the applicant’s duties as a Commission member.

All Other Applicants:

ELIZABETH AGRAMONT-JUSTINNIANO: The applicant resides in Council District 3 in a non-rent-stabilized apartment. This application was submitted on September 30, 2023. This application indicates they are employed at Life Moves, a nonprofit organization under contract with the City, as a Motel Intake Coordinator at 1041 The Alameda. The spouse sections of the applicant indicates “N/A.” The applicant also indicates that they currently rent property in San José and that property is subject to the Tenant Protection Ordinance. A potential conflict of interest could arise in their role as a Life Moves employee in the event that an item came before the Commission related to Life Moves’ work with the City. In this event, the applicant would likely be required to recuse themselves because there could be a potential financial conflict of interest. Otherwise, the application discloses no incompatible offices, incompatible activities, or conflicts of interest which appear likely to arise in the performance of the applicant’s duties as a Commission member.

SUKHDEV BAINIWAL: This application was submitted on September 6, 2024. The applicant resides in Council District 8. The applicant indicates in the employment section that they are employed as an Software QA Manager at Connex. The spouse section of this application indicates they work as a Postal Clerk. Their application indicates that they own property and rent property in San Jose, but it is not subject to the Apartment Rent Ordinance. The application discloses no incompatible offices, incompatible activities, or conflicts of interest which appear likely to arise in the performance of the applicant's duties as a Commission member.

VINCE CANTORE: This application was submitted on August 8, 2024. According to the application, the applicant resides in Council District 9 and is a homeowner in San José. The applicant indicates in the employment section that they are Vice President at the The Core Companies. The spouse sections of this application indicate their spouse works for Nvidia. The application also indicates that their employer, The Core Companies, manages (through an agent) various affordable projects throughout the City of San José that may be subject to rent ordinances. Additionally, the Core Companies is involved in multiple housing deals, both existing and proposed, with the City's Housing Department. Based upon the applicant's employment, the applicant could have possible financial conflicts of interest requiring recusal on any matters heard by the Commission involving either the Apartment Rent Ordinance or the City's financing of affordable housing that might impact the financial interests of the applicant's employer. Otherwise, the application discloses no incompatible offices, incompatible activities, or conflicts of interest which appear likely to arise in the performance of the applicant's duties as a Commission member.

TODD DAVIDSON: The applicant resides in Council District 9. This application was submitted on October 20, 2023. Their application indicates that they own property in San José. This application indicates they are mostly retired and doing some consulting work, with their prior full time employment in clean energy and water solutions. The spouse section indicates "N/A". The applicant owns their home. The application discloses no incompatible offices, incompatible activities, or conflicts of interest which appear likely to arise in the performance of the applicant's duties as a Commission member.

ANGELIE DO: The applicant resides in Council District 2. This application was previously submitted on October 27, 2023. Their application indicates that they own property in San José. This application indicates the applicant's employment is as a Pharmacist at Viet Town Pharmacy. The applicant's spouse sections of this application indicates "N/A". Their application indicates that they own, lease, or manage properties

subject to the City's Mobilehome Rent Ordinance. Since the mobilehome owner representative role is currently filled, a conflict of interest may arise when there are items discussed at Commission impacting mobilehomes. In such cases, the Commissioner will likely need to recuse themselves when such matters are brought before the Commission. Additionally, the applicant indicates they are also a licensed realtor. A possible conflict of interest could arise if the Commission was hearing a matter that would impact the financial interests of this applicant based upon the applicant's work as a realtor, so the applicant may have to recuse themselves if such an item came before the Commission. Otherwise, the application discloses no incompatible offices, incompatible activities, or conflicts of interest which appear likely to arise in the performance of the applicant's duties as a Commission member.

NUHA KHAN: This application was submitted on October 28, 2024. According to the application, the applicant resides in Council District 4. The applicant indicates "n/a" in the employment section. Their application indicates that they rent property in the City of San José but it is not subject to rent control. The spouse section of this application indicates "n/a." The application discloses no incompatible offices, incompatible activities, or conflicts of interest which appear likely to arise in the performance of the applicant's duties as a Commission member.

GLEN JIA: This application was submitted on January 22, 2024. According to the application, the applicant resides in Council District 6. The applicant indicates that they are employed by County of San Mateo as a Design Review Administrator/Planner. Their application indicates that they rent property in the City of San José but it is not subject to rent control. The spouse section of this application indicates they are employed with the County of San Mateo also as a Building Permit Technician. The application discloses no incompatible offices, incompatible activities, or conflicts of interest which appear likely to arise in the performance of the applicant's duties as a Commission member.

QUINCY LOWERY: This application was submitted on February 28, 2024. The applicant resides in Council District 3. The applicant indicates in the employment section that they are a Santa Clara University Law student." The spouse sections of this application indicates "n/a". Their application indicates that they rent an apartment but it is not subject to the Apartment Rent Ordinance. The application discloses no incompatible offices, incompatible activities, or conflicts of interest which appear likely to arise in the performance of the applicant's duties as a Commission member.

RICHARD STEWART: This application was submitted on October 1, 2024. The applicant resides in Council District 3. The applicant discloses that they reside in a rent-controlled property that they also own. The application indicates that they do not rent property in San Jose. The application indicates that they are retired. The spouse section

of this application indicate “N/A.” Since the landlord member seat is currently filled, if the applicant were to rent out their rent-controlled property, then they will need to recuse themselves from matters involving the Apartment Rent Ordinance. Otherwise, the application discloses no incompatible offices, incompatible activities, or conflicts of interest which appear likely to arise in the performance of the applicant’s duties as a Commission member.

KAROLINA WALICHIEWICZ: The applicant resides in Council District 3. This application was submitted on May 29, 2024. This applicant indicates that they are currently unemployed and they volunteer.” The spouse sections of this application indicates “none”. Their application indicates that they neither own nor rent an apartment in San José. The application discloses no incompatible offices, incompatible activities, or conflicts of interest which appear likely to arise in the performance of the applicant’s duties as a Commission member.

ERICA WALTERS: This application was submitted on September 2, 2024. According to the application, the applicant resides in Council District 1. The applicant indicates that they are employed by Income Property Specialists as a Regional Leasing Manager. Their application indicates that they rent property in the City of San José. The spouse section of this application indicates they are not married. Based on their employment in property management that manages an extensive portfolio in the Bay Area, the applicant could have a potential financial conflict of interest on an item heard by the Commission involving the Apartment Rent Ordinance; therefore, the applicant should recuse themselves to avoid such a conflict. Otherwise, the application discloses no incompatible offices, incompatible activities, or apparent conflicts of interest which appear likely to arise in the performance of the applicant’s duties as a Commission member.

CONCLUSION

Except as noted in the review of applicants Vince Cantore, Elizabeth Agramont-Justinniano, Angelie Do, Richard Stewart, and Erica Walters, the applications disclose no incompatible offices, incompatible activities, or conflicts of interest which appear likely to arise in the performance of the applicants’ duties as Commission members. You may wish to consider the above comments in making your recommendations on appointments to the Commission.

HONORABLE MAYOR AND CITY COUNCIL
HCDC Commission Applicant Conflict Review
November 15, 2024
Page 10 of 10

NORA FRIMANN
City Attorney

By: /s/ Christopher Alexander
Christopher Alexander
Deputy City Attorney

cc: Toni Taber, City Clerk
Jennifer Maguire, City Manager
Erik Solivan, Director of Housing

Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Nora Frimann
City Attorney

**SUBJECT: LIBRARY AND EDUCATION
COMMISSION APPLICANTS**

DATE: November 25, 2024

BACKGROUND

This Office routinely reviews applications 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 potential conflict which are disclosed by the applications.

COMMISSION DUTIES

In order to analyze potential conflicts, it is necessary to consider the duties of the particular commission for which the applicant is seeking appointment. Of the Library and Education fifteen-member Commission, at least four members of the Commission shall have a background in education subject matter expertise. The Library and Education Commission is an advisory body which makes recommendations to the Mayor and City Council, City Manager, and the Director of Library Services respecting existing and proposed library facilities, the utilization of such facilities, their use and operation, the extent and nature of library services to be rendered to the public, the financing of libraries and of their operations and services, and other matters respecting the library system. The Commission will also study, evaluate, review and provide advice to the Council, the City Manager, the City Librarian, and other department heads designated by the City Manager on all matters and issues related to early education and childcare.

APPLICANTS

The application from the applicants listed below was reviewed by our office. This review was limited to the information provided on the application and was not intended to be a comprehensive investigation of potential conflicts involving the applicant. Unless otherwise indicated, no application discloses incompatible offices or apparent conflicts of interest that would substantially impair the functioning of the 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 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 (“PRA”).
- 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, however 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.

LEGAL REVIEW OF APPLICANTS

Set forth below is the applicant and any apparent legal conflicts of interest and/or appearance of bias related to entities that are likely to come before the commission in some manner, as identified on the application.

Alexis Steen – Ms. Steen is currently employed as a Branch Manager with HomeStreet Bank in Santa Clara. It is possible that the Commission could consider a matter involving HomeStreet Bank which may present an actual conflict of interest 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.

Westley Baker – Mr. Baker is currently employed as a Solutions Executive with Scholastic Education Solutions in New York. It is possible that the Commission could consider a matter involving Scholastic Education Solutions which may present an actual

conflict of interest or appearance of bias. In such a case, Mr. Baker 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.

Aaron Zeelig – Mr. Zeelig is currently employed as a Director of Social Services with LifeSTEPS in Sacramento. It is possible that the Commission could consider a matter involving LifeSTEPS which may present an actual conflict of interest or appearance of bias. In such a case, Mr. Zeelig 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.

Gregory Duru – Mr. Duru is currently employed as a Security Supervisor with San Jose Job Corps in San Jose. It is possible that the Commission could consider a matter involving San Jose Job Corps which may present an actual conflict of interest or appearance of bias. In such a case, Mr. Duru 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.

Harshavardhan Parandekar – Mr. Parandekar is currently employed as the CEO of Marchup in San Jose. His spouse is currently employed as a Director of Program Management at ServiceNow. It is possible that the Commission could consider a matter involving Marchup or ServiceNow which may present an actual conflict of interest or appearance of bias. In such a case, Mr. Parandekar 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.

Lawrence Dietz – Mr. Dietz is currently self-employed as an attorney in San Jose. His spouse is currently employed as a Professor Emerita at San Jose State University. It is possible that the Commission could consider a matter involving Mr. Dietz' legal practice or San Jose State University which may present an actual conflict of interest or appearance of bias. In such a case, Mr. Dietz 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.

Rishaan Desai – Mr. Desai is currently a student at BASIS Independent Silicon Valley Upper School in San Jose. It is possible that the Commission could consider a matter involving BASIS Independent which may present an actual conflict of interest or appearance of bias. In such a case, Mr. Desai 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.

Amanda Flowers – Ms. Flowers is currently employed as a Technology Specialist with the town of Los Gatos. It is possible that the Commission could consider a matter

involving the town of Los Gatos which may present an actual conflict of interest or appearance of bias. In such a case, Ms. Flowers 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.

Nathalie Carvajal – Ms. Carvajal is currently employed as a Senior Director with the Latina Coalition of Silicon Valley in San Jose. It is possible that the Commission could consider a matter involving the Latina Coalition of Silicon Valley which may present an actual conflict of interest or appearance of bias. In such a case, Ms. Carvajal 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.

Marvin Mccrary – Mr. Mccrary is currently employed as a Social Studies Teacher with Legend College Preparatory in Cupertino. It is possible that the Commission could consider a matter involving Legend College Preparatory which may present an actual conflict of interest or appearance of bias. In such a case, Mr. Mccrary 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.

Jose Abastida – Mr. Abastida is currently employed as a Union Organizer with SEIU 1021 in Oakland. It is possible that the Commission could consider a matter involving SEIU 1021 which may present an actual conflict of interest or appearance of bias. In such a case, Mr. Abastida 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.

CONCLUSION

The applicants do not appear to hold any incompatible office or have any apparent conflicts that would prevent them from serving on the Library and Education Commission based upon the application submitted. Some of the applicants may be precluded from participating in matters involving their employer or the entities of which they are officers or members. Where this may be the case, they must abstain from participating in that Library and Education Commission agenda matter. The City Council may wish to consider the above comments in making its appointments to the Commission.

HONORABLE MAYOR AND CITY COUNCIL

November 25, 2024

Subject: Library and Education Commission Applicants

Page 5

NORA FRIMANN
City Attorney

By /s/ Omar El-Qoulaq
Omar El-Qoulaq
Deputy City Attorney

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

Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Nora Frimann
City Attorney

**SUBJECT: Measure T Community
Oversight Committee**

DATE: November 1, 2024

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

Hai Bui – Mr. Bui resides in District 10. He is a principal software engineer with VMware based in Palo Alto, CA. The responses in the application suggest an interest in the Planning Commission.

Mansukh Singh – Mr. Singh resides in District 8. He is a program manager for Tipalti Inc. in Foster City.

Jay Anand – Mr. Anand resides in District 10. He is a supervisor of data and analytics for Kaiser Permanente in Santa Clara.

CONCLUSION

The applicants do not appear to hold any incompatible offices or to have conflicts of interest that would preclude them from serving on the Measure T Committee. None of the applicants have subject matter expertise to be citywide representatives but may be nominated as a resident of their district. The City Council may wish to consider the above comments in considering the appointment to the Measure T Committee.

NORA FRIMANN
City Attorney

/s/

By _____

Rosa Tsongtaatarii
Chief Deputy City Attorney

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

Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Nora Frimann
City Attorney

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

DATE: November 7, 2024

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.

Ashesh Singh – Ashesh Singh’s application indicates he is currently self employed as an owner of Anmol Daycare, as is his spouse. He also owns other childcare centers in Auburn, CA and Union City, CA. He is also currently serving as Vice President of the Eden Neighborhood Association for the last two and a half years. If the Commission considers a matter involving the Eden Neighborhood Association, it may present an actual conflict or appearance of bias. In such a case, he 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.

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.

Alexander Mok – Alexander Mok’s application indicates he is currently self employed. 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.

James Carter – James Carter's application indicates he is currently employed as the CEO of Camp Carter International. The application discloses no incompatible offices nor apparent conflicts of interest.

Sachihiko Michitaka – Sachihiko Michitaka's application indicates he is currently self employed. His application also indicated he 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.

CONCLUSION

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

NORA FRIMANN
City Attorney

By /s/ Andrew Malek
Andrew Malek
Deputy City Attorney

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