

Memorandum

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.

May 1, 2023

Subject: Conflicts Review – Airport Commission Applicants

Page 4

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: /s/
Kevin Fisher
Assistant City Attorney

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