

# *Memorandum*

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** NORA FRIMANN  
City Attorney

**SUBJECT:** Conflicts Review - Airport  
Commission Applicants

**DATE:** May 8, 2025

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## **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**

**Greg Richardson** – Mr. Richardson is a resident of District 3 and is the CFO for VTA. He is married and his wife is retired. His application discloses neither incompatible offices nor apparent conflicts of interest.

**Nick Patel** – Mr. Patel is a resident of District 5 and is employed by NetApp as a senior software engineer. He is married and his spouse works for VMware. His application discloses neither incompatible offices nor apparent conflicts of interest.

**Ramnick Saandal** – Mr. Saandal is a resident of District 7 and is employed by San Mateo County as a patient service specialist. He is married and his spouse is self employed as an HR consultant. His application discloses neither incompatible offices nor apparent conflicts of interest.

**Joseph Sanchez** – Mr. Sanchez is a resident of District 10 and is a broker associate for Keller Williams. His application discloses neither incompatible offices nor apparent conflicts of interest.

**James Carter** – Mr. Carter is a resident of District 9 and is CEO of camp carter international. His application discloses neither incompatible offices nor apparent conflicts of interest.

**Keith Joho** – Mr. Joho is a resident of District 4 and he is retired. His application discloses neither incompatible offices nor apparent conflicts of interest.

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**Gregory Duru** – Mr. Duru is a resident of District 5 and is a security supervisor with San Jose job Corps. His 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: Jon Calegari /s/  
Jon Calegari  
Senior Deputy 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:** **Appointments to the Climate  
Advisory Commission**

**DATE:** April 30, 2025

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## **I. BACKGROUND**

This Office routinely reviews applications for appointment to City boards and commissions. The applications generally do not provide complete information; however, they do occasionally disclose potential conflicts of interest, actual or perceived, or incompatible offices. The purpose of this memorandum is to highlight major areas of known potential conflicts that are disclosed by the applications. The Climate Advisory Commission became effective January 1, 2024, when it merged with and replaced the Clean Energy Community Advisory Commission.

## **II. COMMISSION DUTIES**

Pursuant to section 2.08.2130 of the San José Municipal Code, the Climate Advisory Commission ("Commission") has the following functions, powers, and duties:

- A. Advise and make recommendations to the City Council and the City Manager, or designee, on all aspects of San José Climate Smart plan, with a focus on the Pathway to Carbon Neutrality by 2030 and climate adaptation; and provide feedback on staff recommendations to the City Council, and Transportation and Environment Committee, when appropriate.
- B. Serve as a community voice in matters related to San José's Climate Smart initiatives.
- C. Advise and make recommendations to the City Council and the City Manager, or designee, on San José Clean Energy's services and product offerings, Integrated Resource Plan, and programs.

## **III. COMMISSION COMPOSITION**

The Commission is an eleven-member commission. Whenever possible, at least five (5) members shall be community representatives from different Council Districts. Members shall be residents of the City unless the Council specifically authorizes a nonresident for an expert member in clean energy, power planning, transportation, finance, climate science, planning and building, or environmental law. Whenever possible, at least three (3) members shall have expertise in one of the categories described above. Whenever

possible, at least one (1) member shall be a representative from a climate, environmental advocacy, or community-based organization; at least one (1) member shall be a representative from a labor, business, or educational institution; and at least one (1) member shall be a youth representative between the ages of 14 and 21.

Members of the Clean Energy Community Advisory Commission with unexpired terms as of January 1, 2025, continue to serve as Climate Advisory Commissioners until their seats become vacant under Part 1 of Chapter 2.08.

The Council Appointment Advisory Commission reviews all applicants and nominates candidates for all vacant seats. If the Council Appointment Advisory Commission is unable to meet, the Mayor may nominate candidates. The City Council must approve the appointment of all members to the Commission.

#### **IV. 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:

- A. 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;
- B. 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; and/or
- C. 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.

#### **V. 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. The City Council policy requires commissions to be free from bias in their decision-making and may require a commissioner to recuse him/herself if the facts could reasonably lead one to conclude that the applicant would be biased for or against an entity or entities.

#### **VI. APPLICANTS**

##### District 2

1. **Christopher Lee:** Mr. Lee is Product Coach at Product Coach Labs. His spouse is Teacher Assistant at Chancelight. He has identified himself as being a member of the Business Owner/Association, Energy Advocate, Environmental

(Association, Advocacy, Justice), and Low Income Advocate stakeholder categories.

### District 3

1. **Macwin Savio Dsouza**: Mr. Dsouza is a Principal Engineer, Manager at QuantumScape Battery Inc. He has identified himself as having expertise in the Electricity Field.

The Climate Smart plan involves electrification, fuel-switching, and other decarbonization efforts that may directly involve energy storage solutions such as the batteries developed at Mr. Dsouza's employer. Section III, above, directs whenever possible, for at least three Commission members to have expertise in clean energy, power planning, transportation, finance, climate science, planning and building, or environmental law.

The materiality standard for financial sources of income is set by the regulations of the Fair Political Practices Commission in §18702.3 of the California Code of Regulations. Among other criteria, it states that the reasonably foreseeable financial effect of a governmental decision on an official's financial interest in a source of income is material if the source is a business entity (eg. QuantumScape Battery Inc.) that will be financially affected. The materiality standard for that financial effect on the business entity is set by §18702.1 and would be met for any matter where QuantumScape Battery Inc. is (a) a named party; (b) has their gross revenues or assets reduced by more than \$1M; (c) incurs or avoids \$250k in expenses; or (d) has a real property interest.

In matters pertaining to both the Climate Smart initiative and the San José Clean Energy program, a commissioner who is an employee of QuantumScape Battery Inc. may be asked to make recommendations that materially impact their employer, as described in FPPC regulations.

Accordingly, this appointment may represent a conflict of interest on certain matters before the Commission.

2. **Loc Vu**: Mr. Vu is a Portfolio Analyst at Allspring Global Investments. His spouse is Principal R&D/Product Development Engineer at TE Connectivity. He has identified himself as being a member of the Community Outreach, Energy Advocate, and Environmental (Association, Advocacy, Justice) stakeholder categories.

### District 4

1. **Ryo Wakabayashi**: Mr. Wakabayashi is a materials/chemical engineer, previously employed as a Principal Member of Technical Staff at QuantumScape Corporation. He has identified himself as being a member of the Community Outreach and Energy Advocate stakeholder categories.

The Climate Smart plan involves electrification, fuel-switching, and other decarbonization efforts that may directly involve energy storage solutions such as the batteries developed at Mr. Wakabayashi's previous employer. Section III, above, directs whenever possible, for at least three Commission members to have expertise in clean energy, power planning, transportation, finance, climate science, planning and building, or environmental law.

The materiality standard for financial sources of income is set by the regulations of the Fair Political Practices Commission in §18702.3 of the California Code of Regulations. Among other criteria, it states that the reasonably foreseeable financial effect of a governmental decision on an official's financial interest in a source of income is material if the source is a business entity (eg. QuantumScape Battery Inc.) that will be financially affected. The materiality standard for that financial effect on the business entity is set by §18702.1 and would be met for any matter where QuantumScape Battery Inc. is (a) a named party; (b) has their gross revenues or assets reduced by more than \$1M; (c) incurs or avoids \$250k in expenses; or (d) has a real property interest.

In matters pertaining to both the Climate Smart initiative and the San José Clean Energy program, a commissioner who was an employee of QuantumScape Battery Inc. may be asked to make recommendations that materially impact their previous employer, as described in FPPC regulations.

Accordingly, this appointment may represent a conflict of interest on certain matters before the Commission.

#### District 7

1. **Nick Patel**: Mr. Patel is a Senior Software Engineer at NetApp and his spouse is a Product Manager at VMWare. He has identified himself as being a member of the Energy Advocate stakeholder category.

#### District 8

1. **Rishaan Desai**: Mr. Desai is a Student at BASIS Independent Silicon Valley and belongs to the youth stakeholder category.

### **VII. CONCLUSION**

Of the applications considered, Mr. Dsouza's and Mr. Wakabayashi's include information demonstrating potential conflicts of interest or that would preclude the applicant from serving on the Commission.

The City Council may wish to consider the comments above regarding potential conflicts in making its appointments to the Commission.

NORA FRIMMAN  
City Attorney

By s/ William Charley  
William Charley  
Senior Deputy City Attorney

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



# *Memorandum*

**TO:** HONORABLE MAYOR AND CITY  
COUNCIL

**FROM:** Nora Frimann  
City Attorney

**SUBJECT: Downtown Parking Board**  
**Applicants: Conflicts of Interest**

**DATE:** June 4, 2025

## **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**

**Saandal, Ramnik**: Applicant applied on February 11, 2025. Applicant is a resident of District 7 in San Jose and employed as a Patient Service Specialist with San Mateo County. The Applicant indicated that they were applying for all of the positions on the Downtown Parking Board, which are: Member of Downtown Business Association, Representative of a business association within a designated meter district outside of the Downtown Core, Representative from San Jose State University, Downtown Resident, or member at-large with expertise in business and/or finance. The Applicant did not provide additional detail to verify whether they satisfy one of the applicable requirements for these positions. They may satisfy the requirement for the Downtown Resident member if there is a vacancy with that position. The Applicant may satisfy additional positions based on information not provided in the application. The Applicant also applied for other vacancies on City Board’s separate from the Downtown Parking Board.

**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.

**Cross, Eric:** Applicant applied on February 6, 2025. Applicant indicated that he is not a resident of San Jose but also conversely indicated he is a resident of District 3. As such, the Applicant's residency status is unknown. The Applicant is currently employed as a Parking Manager with San Jose State University. The Applicant is also a current member of the California Mobility and Parking Association. The Applicant is applying as a Representative from San Jose State University. If the Applicant is not a resident of San Jose, they may still be appointed in accordance with Council Policy 0-4 which permits the Council to appoint a non-resident when no other residents of the City have applied to fill a specific vacancy. Accordingly, the Applicant appears to satisfy all requirements for appointment as a Representative from San Jose State University.

## **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



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**SUBJECT:** Conflicts Review - Housing  
and Community Development  
Commission

**FROM:** Nora Frimann  
City Attorney

**DATE:** May 13, 2025

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## **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 will be four vacant seats to be filled on the Commission: Districts 3,5,7, and 9 seats.

### **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.”

### **Applicants Applying for the Low Income Household Member Seats 3,5,7:**

**BRENDA BELL BROWN:** This application was submitted on February 11, 2025. The applicant resides in Council District 3 and that they are applying for the low income member seat and have lived experience with homelessness. The applicant indicates in the employment section “N/A.” The spouse’s section of this application indicates “N/A”. Their application indicates that they rent property in San Jose 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.

**BRIAN CARR:** This application was submitted on February 10, 2025. The applicant resides in Council District 7 and that they are applying for the low income member seat and have lived experience with homelessness. The applicant indicates in the employment section “N/A.” The spouse’s section of this application indicates “N/A”. Their application indicates that they both own and rent a mobilehome in San Jose subject to rent control. 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 residency in mobilehome park subject to rent control, 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.

**ROSA ESCALARA:** This application was submitted on February 11, 2025. The applicant resides in Council District 7 and they are applying for the low income member seat and have lived experience with homelessness. The applicant indicates in the employment section that they are an Administrative Assistance with Martha's Kitchen. The spouse's section of this application indicates "N/A." Their application indicates that they do not own or rent property in San Jose; however, they live in a mobilehome park subject to rent control. 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 residency in a mobilehome park subject to rent control, 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.

**KY LAM:** This application was submitted on March 17, 2025. The applicant resides in Council District 6 and is applying for a low income member seat on the Commission. The applicant indicates in the employment section that they are an Operator at GMS. The spouse's employment section of this application indicates they are a "housewife". Their application indicates that they do not own or rent property in San Jose. 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.

**RUBEN NAVARRO:** This application was submitted on March 27, 2025. The applicant resides in Council District 5. The applicant currently is a member of the Commission and is applying for reappointment for their third term and as a low-income member of the Commission. The applicant indicates in the employment section that they work for the County of Santa Clara as a Board Aide-Community Relations. The spouse's section of this application indicates they work for Acceptance Insurance as an insurance specialist. Their application indicates that they own property in San Jose. 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.

**VICTORIA PARTIDA:** This application was submitted on March 30, 2025. The applicant resides in Council District 7 and is applying for the low income member seat on the Commission. The applicant indicates in the employment section that they are employed as a Health Planning Specialist II at the County of Santa Clara Public Health

Department. The spouse section of this application indicates they own Paradise Painting. Their application indicates that they own property in San Jose. 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.

**DAISY PORRAS:** This application was submitted on March 14, 2025. The applicant resides in Council District 7 and is applying for one of the low income member seats on the Commission. The applicant indicates in the employment section that they are a Resident Coordinator at Housing Choices. The spouse's section of this application indicates "n/a." Their application indicates that they rent property in San Jose 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:

**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 a 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.

**CHRISTOPHER ESCHER:** This application was submitted on April 11, 2025 and the applicant is applying for the lived experience with homelessness alternate member seat. According to the application, the applicant resides in Council District 6. The applicant indicates that they are self employed as editor in chief of opportunity now. The spouse sections of this application indicate they are employed as a "non profit head 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.

**ROMA DAWSON:** This application was submitted on March 30, 2025. The applicant resides in Council District 1 and currently is the District 1 Commissioner. The Commissioner is seeking reappointment on the Commission following her term expiration. The applicant indicates in the employment section that they are retired. The spouse section of this application indicates they are also retired. Their application indicates that they rent property in San Jose 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.

**TASHA EASTON:** This application was submitted on February 3, 2025. The applicant resides in Council District 2. The applicant indicates in the employment section that they are an HR Program Director for VMware. The spouse's section of this application indicates they are a teacher. Their application indicates that they own property in San Jose. 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.

**AIMEE ESCOBAR:** This application was submitted on February 28, 2025. The applicant resides in Council District 3. The applicant indicates in the employment section that they are a Management Analyst at City of Santa Clara, City Manager's Office. The spouse's section of this application indicates "N/A." Their application indicates that they rent property in San Jose 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.

**THOA HOANG:** This application was submitted on October 4, 2024. The applicant resides in Council District 4. The applicant indicates in the employment section that they are an Investing Fellow at Stanford University. The spouse's section of this application indicates "n/a." Their application indicates that they own property in San Jose. 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.

**MICHELLE HUYNH:** This application was submitted on March 5, 2025. The applicant resides in Council District 4. The applicant indicates in the employment section "N/A." The spouse's section of this application indicates they are employed as a Content Specialist at Hogarth Worldwide. Their application indicates that they own property in San Jose. 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.

**HB MOK:** This application was submitted on February 21, 2025. The applicant resides in Council District 9. The applicant indicates in the employment section that they are a self-employed and the Founder of Pave the Way San Jose. The spouse's section of this application indicates they are a freelance writer and editor. Their application indicates that they own property in San Jose. 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 indicates in the employment section "retired." The spouse's section of this application indicates "NA." Their application indicates that they own property in San Jose. 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, Brian Carr, Rosa Escalara, 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.

NORA FRIMANN  
City Attorney

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

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

# *Memorandum*

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Nora Frimann  
City Attorney

**SUBJECT:** Conflicts Review – Library and  
Education Commission  
Applicants

**DATE:** June 4, 2025

---

## **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. 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**

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 City Council, City Manager, and the City Librarian 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.

## **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.

### **APPLICANTS**

Applications from the applicants listed below were 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 Library and Education Commission.

1. **Abigale Almerido** – Ms. Almerido is a District 3 resident and employed as an Assistant Director, Integrated Data with the Santa Clara County Office of Education. Her spouse is employed as a Senior Business Operations Manager with GitHub in San Francisco. It is possible that the Commission could consider a matter involving the Santa Clara County Office of Education or GitHub which may present an actual conflict of interest or appearance of bias. In such a case, the applicant may need to disqualify herself from taking part in the Commission's decision on that matter. Otherwise, the application disclosed no incompatible offices or apparent conflicts of interest.
2. **Priya Barke** – Ms. Barke is a District 10 resident and a Grade 10 student at Basis Independent Silicon Valley Upper School. She is employed as the Founder and Admissions Director of Prudence Insurance & Risk Management Business School. It is possible that the Commission could consider a matter involving Prudence Insurance & Risk Management Business School or Basis Independent Silicon Valley Upper School which may present an actual conflict of interest or appearance of bias. In such a case, the applicant may need to disqualify herself from taking part in the Commission's decision on that matter. Otherwise, the application disclosed no incompatible offices or apparent conflicts of interest.



3. **Gini Bossenbroek** – Ms. Bossenbroek is a District 6 resident and a Professional Volunteer with Las Madres, Willow Glen Elementary PTA, Junior League of San Jose, and Commission on the Status of Women. Her spouse is employed as a Software Engineer with Anthropic in San Francisco. It is possible that the Commission could consider a matter involving the applicant's volunteer organizations or Anthropic which may present an actual conflict of interest or appearance of bias. In such a case, the applicant may need to disqualify herself from taking part in the Commission's decision on that matter. Otherwise, the application disclosed no incompatible offices or apparent conflicts of interest.
4. **Charea Bustamante** – Ms. Bustamante is a District 2 resident and employed as the Middle School Division Director with Woodland School in Portola Valley. Her spouse is employed as an On-Site Senior Concierge with Elevance at eBay. It is possible that the Commission could consider a matter involving Elevance which may present an actual conflict of interest or appearance of bias. In such a case, the applicant may need to disqualify herself from taking part in the Commission's decision on that matter. Otherwise, the application disclosed no incompatible offices or apparent conflicts of interest.
5. **Nathalie Carvajal** – Ms. Carvajal is a District 9 resident and employed as Operations and Grants Senior Director with Latina Coalition of Silicon Valley in San Jose. It is possible that the Commission could consider a matter involving Latina Coalition of Silicon Valley which may present an actual conflict of interest or appearance of bias. In such a case, the applicant may need to disqualify herself from taking part in the Commission's decision on that matter. Otherwise, the application disclosed no incompatible offices or apparent conflicts of interest.
6. **Carlos Casas-Hawkins** – Mr. Casas-Hawkins is a District 10 resident and employed as an Administrative Secretary with Evergreen Elementary School District. It is possible that the Commission could consider a matter involving Evergreen Elementary School District which may present an actual conflict of interest or appearance of bias. In such a case, the applicant may need to disqualify himself from taking part in the Commission's decision on that matter. Otherwise, the application disclosed no incompatible offices or apparent conflicts of interest.
7. **Rishaan Desai** – Mr. Desai is a District 8 resident and a Grade 9 student at Basis Independent Silicon Valley Upper School. It is possible that the Commission could consider a matter involving Basis Independent Silicon Valley Upper School which may present an actual conflict of interest or appearance of bias. In such a case, the applicant may need to disqualify himself from taking part in the Commission's decision on that matter. Otherwise, the application disclosed no incompatible offices or apparent conflicts of interest.
8. **Gregory Duru** – Mr. Duru is a District 5 resident and employed as a Security Supervisor at 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, the applicant may need to disqualify himself from taking part in the Commission's decision on that matter. Otherwise, the application disclosed no incompatible offices or apparent conflicts of interest.

9. **Amanda Flowers** – Ms. Flowers is a District 9 resident and 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, the applicant may need to disqualify herself from taking part in the Commission's decision on that matter. Otherwise, the application disclosed no incompatible offices or apparent conflicts of interest.
10. **Manjusha Gangadharan** – Ms. Gangadharan is a District 10 resident. The employment section lists former job titles of Head of Partnerships and Head of Strategy with former employers Minio, Seagate and Wipro. Her spouse is currently employed as Head of Google Alliance with Accenture in Mountain View. It is possible that the Commission could consider a matter involving Accenture which may present an actual conflict of interest or appearance of bias. In such a case, the applicant may need to disqualify herself from taking part in the Commission's decision on that matter. Otherwise, the application disclosed no incompatible offices nor apparent conflicts of interest.
11. **Michelle Huynh** – Ms. Huynh is a District 4 resident. The applicant indicates in the employment section "N/A." Her spouse is employed as a Content Manager with Hogarth Worldwide in Sunnyvale. It is possible that the Commission could consider a matter involving the Hogarth Worldwide which may present an actual conflict of interest or appearance of bias. In such a case, the applicant may need to disqualify herself from taking part in the Commission's decision on that matter. Otherwise, the application disclosed no incompatible offices or apparent conflicts of interest.
12. **Manisha Kand** – Ms. Kand is a District 6 resident and Self-Employed as an Entrepreneur-CEO. Her spouse is employed as a Senior Manager with Amazon in Sunnyvale. It is possible that the Commission could consider a matter involving Amazon or a source of income to the applicant which may present an actual conflict of interest or appearance of bias. In such a case, the applicant may need to disqualify herself from taking part in the Commission's decision on that matter. Otherwise, the application disclosed no incompatible offices or apparent conflicts of interest.
13. **Harshavardhan Parandekar** – Mr. Parandekar is a District 8 resident and employed as CEO with Marchup in San Jose. His spouse is employed as Director of Program Management at ServiceNow in Santa Clara. 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, the applicant may need to disqualify himself from taking part in the Commission's decision on that matter. Otherwise, the application disclosed no incompatible offices or apparent conflicts of interest.

14. **Angelica Ramos** – Ms. Ramos is a District 6 resident and currently holds an education subject matter expertise seat on the Library and Education Commission. The Commissioner is seeking reappointment on the Commission following the expiration of her term on June 30, 2025. She is employed as a Director of Policy & Communications with Grail Family Services in San José. Her spouse is self-employed. It is possible that the Commission could consider a matter involving Grail Family Services or a source of income to her spouse which may present an actual conflict of interest or appearance of bias. In such a case, the applicant may need to disqualify herself from taking part in the Commission's decision on that matter. Otherwise, the application disclosed no incompatible offices or apparent conflicts of interest.
15. **Gerard Roney** – Mr. Roney is a District 9 resident and a retired attorney. He currently holds the District 9 Seat on the Library and Education Commission and is seeking reappointment on the Commission following the expiration of his partial (less than one year) term on June 30, 2025. His spouse is also retired and receives a pension from O'Connor Hospital, which is now part of the Santa Clara County Health System. It is possible that the Commission could consider a matter involving Santa Clara County which may present an actual conflict of interest or appearance of bias. In such a case, the applicant may need to disqualify himself from taking part in the Commission's decision on that matter. Otherwise, the application disclosed no incompatible offices or apparent conflicts of interest.
16. **Ramnik Saandal** – Mr. Saandal is a District 7 resident and employed as a Patient Service Specialist with San Mateo County. His spouse is self-employed as an HR Consultant. It is possible that the Commission could consider a matter involving a source of income to his spouse which may present an actual conflict of interest or appearance of bias. In such a case, the applicant may need to disqualify himself from taking part in the Commission's decision on that matter. Otherwise, the application disclosed no incompatible offices or apparent conflicts of interest.
17. **Sonam Sinha** – Ms. Sinha is a District 4 resident and employed as Director of Product Management with Visa, Inc. in Foster City. It is possible that the Commission could consider a matter involving Visa, Inc. which may present an actual conflict of interest or appearance of bias. In such a case, the applicant may need to disqualify herself from taking part in the Commission's decision on that matter. Otherwise, the application disclosed no incompatible offices or apparent conflicts of interest.

18. **Shara Tran** – Ms. Tran is a District 9 resident and an MFA English Graduate Student at San Jose State University. It is possible that the Commission could consider a matter involving San Jose State University which may present an actual conflict of interest or appearance of bias. In such a case, the applicant may need to disqualify herself from taking part in the Commission's decision on that matter. Otherwise, the application disclosed no incompatible offices or apparent conflicts of interest.
19. **Daphna Woolfe** – Ms. Woolfe is a District 1 resident and a retired teacher, receiving a pension through CalSTRS, the California State Teachers' Retirement System. Her spouse is employed as a Teacher with Fremont Unified High School District in Cupertino. It is possible that the Commission could consider a matter involving CalSTRS which may present an actual conflict of interest or appearance of bias. In such a case, the applicant may need to disqualify herself from taking part in the Commission's decision on that matter. Otherwise, the application disclosed no incompatible offices or 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, entities of which they are an officer or member, or entities that are sources of income to them. 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.

NORA FRIMANN  
City Attorney

By /s/ Neelam Naidu  
Neelam Naidu  
Senior Deputy City Attorney

cc: Toni J. Taber, MMC, City Clerk  
Jennifer Maguire, City Manager  
Jill Bourne, City Librarian

# *Memorandum*

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Nora Frimann  
City Attorney

**SUBJECT:** Measure T Community  
Oversight Committee

**DATE:** May 8, 2025

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## **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 30<sup>th</sup>; 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**

**David Burckhard** – David Burckhard resides in District 8, and is retired. Their spouse is a HR administrator for Santa Clara County Public Defender's Office.

**Hai Bui** – Hai Bui resides in District 2, and is a principal software engineer with VMware located in Palo Alto, CA.

**Sheikh Nayeem** – Sheikh Nayeem resides in District 8, and works in facility operations and engineering for Applied Materials, Inc. located in Santa Clara.

**Pathak Ravi** – Pathak Ravi resides in District 8, and is executive director of FinFit Life located in San Jose.

**Sangeetha Vijendiran** – Sangeetha Vijendiran resides in District 8, and is a principal program manager for Oracle located in Redwood City. Their spouse is a senior manager and site reliability engineer for Illumio Inc. located in Sunnyvale.

### **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*

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**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Nora Frimann  
City Attorney

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

**DATE:** May 7, 2025

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## **BACKGROUND**

This Office routinely reviews applications to City Boards and Commissions. The applications generally do not provide complete information regarding potential conflicts; however, they do occasionally disclose potential conflicts of interest or incompatible offices. The purpose of this memorandum is to highlight areas of potential conflict which are disclosed by the application. In order to analyze potential conflicts, it is necessary to consider the duties of the particular commission for which the applicant is seeking appointment. This review is limited to the information provided on the applications and is not intended to be comprehensive investigation of potential conflicts involving the applicants.

## **COMMISSION DUTIES**

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

## **LEGAL CONFLICTS THAT MAY PRECLUDE VOTE OR PARTICIPATION**

Certain positions may preclude a commissioner from participating in a commission discussion or from voting if a matter involving the entity comes before the commission. While this list is not complete, these types of conflicts generally fall within one or more of the following situations:

- An application shows entities that are “sources of income” to a potential commissioner within the 12 months preceding the start of the commission term, as defined under the **Political** Reform Act.
- An application shows sources of income to a spouse or domestic partner of a potential commissioner within the 12 months preceding the start of the commission term.
- An applicant or the spouse or domestic partner of an applicant is an officer or board member of an entity and it is foreseeable that the entity could be involved in a matter coming before the commission.

### **APPEARANCE OF BIAS**

There may be facts which would not amount to a legal conflict of interest requiring a commissioner to recuse him or herself from a commission vote or discussion but the relationship could create an appearance of bias on the part of the commissioner. City Council policy requires commissions to be free from bias in their decision making and may require a commissioner to recuse him or herself if the facts could reasonably lead one to conclude that the applicant would be biased for or against an entity or entities.

### **REVIEW OF APPLICANT**

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

**Viviana Barnwell** – Viviana Barnwell’s application indicates that she is currently employed by the San Jose Unified School District. She also serves as a council member of the Legislative and Public Policy Committee on the State Council on Developmental Disabilities. She also co-teaches the Leadership Development Module for the LEND program at UC Davis. The application also discloses that she is a member of a committee for the selection of officers for the Santa Clara County Office of Disability Affairs. It is possible that the Commission could consider a matter involving these organizations which may present an actual conflict or appearance of bias. In such a case, Viviana Barnwell may need to disqualify herself from taking part in the Commission’s decision on that matter. Otherwise, the application discloses no incompatible offices nor apparent conflicts of interest.

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

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



**Daisy Barocio** – Daisy Barocio’s application indicates she is a Principal at the Union School District. Her spouse is a Principal at the Santa Clara Unified School District. If the Commission considers a matter involving either school district, it may present an actual conflict or appearance of bias. In such a case, she may need to disqualify herself from taking part in the Commission’s decision on that matter. Otherwise, the application discloses no incompatible offices nor apparent conflicts of interest.

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

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

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

**Carly Beard** – Carly Beard’s application indicates she is currently employed as an Advancement Manager for the Guadalupe River Park Conservancy. The City has an active agreement with the Conservancy, so if the Commission considers a matter involving the Conservancy, it may present an actual conflict or appearance of bias. In such a case, she may need to disqualify herself from taking part in the Commission’s decision on that matter. Otherwise, the application discloses no incompatible offices nor apparent conflicts of interest.

**Gregory Duru** – Gregory Guru’s application indicates he is currently employed as a Security Advisor for San Jose Job Corps. The application discloses no incompatible offices nor apparent conflicts of interest.

## **CONCLUSION**

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

HONORABLE MAYOR AND CITY COUNCIL

May 7, 2025

**Subject: Parks and Recreation Commission Applicants**

Page 4

NORA FRIMANN

City Attorney

By /s/ Andrew Malek  
Andrew Malek  
Deputy City Attorney

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

# *Memorandum*

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**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Nora Frimann  
City Attorney

**SUBJECT:** Planning Commission  
Applicants

**DATE:** May 7, 2025

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## **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 Planning Commission has two major responsibilities under the City Charter and the San José Municipal Code (SJMC):

1. To serve as a quasi-judicial body with respect to the consideration of issuance of certain land use permits and appeals; and
2. To serve in an advisory capacity to the City Council with respect to specific proposals for or affecting zoning, the general plan, a specific plan, and zoning ordinance (SJMC Title 20) amendments.

Pursuant to state law and the City Charter, the Planning Commission is also required to review capital improvement programs. Additionally, under SJMC requirements, the Planning Commission has responsibilities related to considering and certifying the adequacy of many environmental impact reports under the California Environmental Quality Act for projects within the Planning Commission's jurisdiction and for making recommendations to the City Council for projects within the Council's jurisdiction. In addition, the Commission serves in an advisory capacity with respect to other City activities related to land use and development, such as park master plans.

## **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. The applicants are divided by Council District to be considered in accordance with the November 8, 2022 amendments to Section 1000 of the City Charter. Unless otherwise indicated, no application discloses incompatible offices or apparent conflicts of interest that would substantially impair the functioning of the Commission.

## **PLANNING COMMISSION APPLICANTS**

### **Council District 7**

**Khoi Nguyen** applied on March 27, 2025. Mr. Nguyen is a commercial investment advisor for Pacificwide Real Estate & Mortgage. He owns real property in San José. If appointed, Mr. Garcia may need to abstain from participating in decisions that potentially affect his real property interest or his employer or clients.

**Rafael Garcia** applied on January 16, 2025. Mr. Garcia is a journeyman and electrician for Redwood Electric, and his spouse is a Site Director/Supervisor for SJB Child Development Centers. He owns real property in San José. If appointed, Mr. Garcia may need to abstain from participating in decisions that potentially affect his real property interest or his or his spouse's employer.

**Matthew Berry** applied on November 8, 2024. Mr. Berry is a private client banker for JPMorgan Chase, and his spouse is a general manager for Bannister Custom Homes. He owns real property in San José. If appointed, Mr. Berry may need to abstain from participating in decisions that potentially affect his real property interest or his or his spouse's employer.

**Sylvia Ornelas-Wise** reapplied on April 18, 2024, but was not reappointed before her term ended. Ms. Ornelas-Wise is a Land Use Consultant for Wise Consultant Group LLC. Her spouse is an HVAC Mechanic for Santa Clara County. Ms. Ornelas-Wise owns real property in San José. If reappointed, Ms. Ornelas-Wise may need to abstain from participating in decisions that potentially affect her or her spouse's employers.

### **Council District 10**

**Lawrence Casey** applied on February 24, 2025. Mr. Casey is retired and receives deferred compensation from Adobe. He owns real property in San José. If appointed, Mr. Casey may need to abstain from participating in decisions that potentially affect his compensation or 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 Planning Commission. You may wish to

consider the above comments in making your recommendations on appointments to the Planning Commission.

NORA FRIMANN  
City Attorney

By   
DANIEL ZAZUETA  
Senior 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 Senior  
Citizens' Commission  
Applicants

**DATE:** May 7, 2025

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## **BACKGROUND**

The City Attorney's 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 Senior Citizens' Commission is responsible for studying, reviewing, evaluating and making recommendations to the Council on matters affecting elderly people in the City.

## **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, 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.

## **REVIEW OF APPLICANT**

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 applications.

**Michelle Huynh** – Michelle Huynh's application indicates she is unemployed. Her spouse works at Hogarth Worldwide as a Content Manager. The application discloses no incompatible offices nor apparent conflicts of interest.

**Amy Yang** – Amy Yang's application indicates she is currently employed as a Senior Product Manager at GRAIL, Inc. The application discloses no incompatible offices nor apparent conflicts of interest.

**Fane Williams** – Fane Williams' application indicates they are currently self employed as an owner of Family Love Homecare. The application discloses no incompatible offices nor apparent conflicts of interest.

**Gregory Duru** – Gregory Guru's application indicates he is currently employed as a Security Advisor for San Jose Job Corps. The application discloses no incompatible offices nor apparent conflicts of interest.

## **CONCLUSION**

The applicants do not appear to hold any incompatible office or have any apparent conflicts that would prevent him or her from serving on the Senior 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 owners, officers or members. Where this may be the case, they must abstain from participating in that Senior 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

May 7, 2025

**Subject: Senior Citizens' Commission Applicants**

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NORA FRIMANN

City Attorney

By /s/ Andrew Malek

Andrew Malek

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:** Conflicts Review Senior  
Citizens' Commission  
Applicants

**DATE:** May 23, 2025

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## **BACKGROUND**

The City Attorney's 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 Senior Citizens' Commission is responsible for studying, reviewing, evaluating and making recommendations to the Council on matters affecting elderly people in the City.

## **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, 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.

## **REVIEW OF APPLICANT**

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 applications.

**Richard Crowley** – Richard Crowley's application indicates he is currently self employed as a Residential Real Estate Broker. His spouse is a retired elementary school teacher. The application discloses no incompatible offices nor apparent conflicts of interest.

## **CONCLUSION**

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

NORA FRIMANN  
City Attorney

By /s/ Andrew Malek  
Andrew Malek  
Deputy City Attorney

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