

# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Richard Doyle  
City Attorney

**SUBJECT:** LIBRARY AND EARLY  
EDUCATION COMMISSION  
APPLICANTS

**DATE:** June 27, 2019

## **BACKGROUND**

This Office routinely reviews applications to City boards and commissions. The applications generally do not provide complete information; however, they do occasionally disclose potential conflicts of interest or incompatible offices. The purpose of this memorandum is to highlight major areas of potential conflict which are disclosed by the applications.

## **COMMISSION DUTIES**

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

## **APPLICANTS**

Applications from the applicants listed below were reviewed by our office. This review was limited to the information provided on the applications and was not intended to be comprehensive investigation of potential conflicts involving the applicants. Unless otherwise indicated, no application discloses incompatible offices or apparent conflicts of interest that would substantially impair the functioning of the commission.

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

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

- An application shows entities that are “sources of income” to a potential commissioner within the 12 months preceding the start of the commission term, as defined under the Political Reform Act (“PRA”).
- An application shows sources of income to a Spouse or Domestic Partner of a potential commissioner within the 12 months preceding the start of the commission term.
- An applicant, or the Spouse or Domestic Partner of an applicant, is an Officer or Board Member of an entity and it is foreseeable that the entity could be involved in a matter coming before the commission.

### **APPEARANCE OF BIAS**

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

### **LEGAL REVIEW OF APPLICANTS**

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

**Marcy Delgado** – Ms. Delgado’s application indicates she is retired and that her husband is currently an engineer at Lockheed. The application discloses no incompatible offices or apparent conflicts of interest.

**Heleyna Graham** – Ms. Graham’s application indicates she is employed as Director, Educational Partnerships at Discovery Education. Her spouse is employed as a

physician at Santa Clara Valley Medical Center. The application discloses no incompatible offices or apparent conflicts of interest.

**Amrinder Jhaji** – Mr. Jhaji's application indicates he is employed by the State of California, Department of Transportation, as a District Branch Chief. Mr. Jhaji's spouse is employed by Santa Clara County as an Environmental Health Specialist. The application discloses no incompatible offices or apparent conflicts of interest.

**Maria Patricia Mendoza** – Ms. Mendoza's application indicates that she is currently a homemaker in San Jose and her spouse is a senior accountant with the County of Santa Clara. Ms. Mendoza is currently the President of the East Hills Neighborhood Association. The application discloses no incompatible offices or apparent conflicts of interest.

**Karen (chin-li) Mou** – Ms. Mou's application indicates she is currently unemployed. The application does not indicate a spouse. While the application discloses no incompatible offices, or apparent conflicts of interest, City records show that Ms. Mou has an open claim against the City of San Jose filed on April 22, 2019 for violation of her Civil Rights stemming from her valid suspension from the Martin Luther King Jr. Library. As part of the Commission duties, it is possible it would consider matters involving policies, facilities, financing and services of the library facilities and branches. In such cases, Ms. Mou may need to disqualify herself from taking part in the Commission's decision on that matter.

**Vishnu Pendyala** – Mr. Pendyala's application indicates he is currently employed as a Technical Leader with Cisco in San Jose. The application does not indicate a spouse. Mr. Pendyala is currently the President of the Board of Directors of the Kingston Village Home Owners Association. The application discloses no incompatible offices or apparent conflicts of interest.

**Kristin N. Rivers, Ph.D.** – Dr. Rivers' application indicates she is a high school teacher in the Morgan Hill Unified School District. Her husband is the Chief Operations Officer for the Carnegie Foundation. Dr. Rivers is currently serving on the Board of Directors of the First Unitarian Church of San Jose. The application discloses no incompatible offices or apparent conflicts of interest.

**Hilary Thorsen** – Ms. Thorsen's application indicates she is employed by Stanford University as the Wikimedian in Residence. Her spouse is employed as a research scientist with Agilent Technologies. Ms. Thorsen is currently a member serving her first term of the Library and Early Education Commission ending June 30, 2019. The application discloses no incompatible offices or apparent conflicts of interest.


**Thomas Trudell** – Mr. Trudell's application indicates he is the Managing Partner at Truberg Associates LP in San Jose. The application indicates Mr. Trudell's spouse is a

General Partner with Truberg Associates LP. Mr. Trudell is currently a board member and President of the Friends of the Almaden Library. In the event matters relating to Friends of the Library or Friends of the Almaden Library come before the Commission, Mr. Trudell may need to disqualify himself from taking part in the decision of the Commission on that matter. The application discloses no incompatible offices or apparent conflicts of interest.

### **CONCLUSION**

None of these applicants appear to hold any incompatible office or have any apparent conflicts that would prevent them from serving on the Library and Early Education Commission based upon the applications submitted. Some of the applicants may be precluded from participating in matters involving their employer or the entities of which they are officers or members. In Ms. Mou's application, she may be precluded in participating in matters which affect the disposition or circumstances surrounding her open claim against the City. Where this may be the case, they must abstain from participating in that Library and Early Education Commission agenda matter. The City Council may wish to consider the above comments in making its appointments to the Commission.

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By   
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cc: David Sykes, City Manager  
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