

# *Memorandum*

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Nora Frimann  
City Attorney

**SUBJECT:** Historic Landmarks  
Commission Applicants

**DATE:** May 3, 2022

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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. To analyze potential conflicts, it is necessary to consider the duties of the commission or committee to which the applicant is seeking appointment. This review is limited to the information provided on the application and is not intended to be comprehensive investigation of potential conflicts involving the applicants.

## **COMMISSION DUTIES**

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

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

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

## **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 Commission.

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

Certain positions may preclude a member from participating in the 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 member 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 member 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 member to recuse him or herself from a Commission vote or discussion. However, a relationship could create an appearance of bias on the part of the member. City Council policy requires members to be free of bias in their decision making and may require a member to recuse him or herself if the facts could reasonably lead one to conclude that the applicant would be biased for or against an entity or entities.

## **REVIEW OF APPLICANTS**

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

### ***Incumbents***

**Boehm, Paul** – Mr. Boehm is a teacher with Campbell Union High School in San Jose, CA. His spouse is an Instructional Aide with San Jose Unified School District in San Jose, CA. Mr. Boehm volunteers as a docent at the Roberto Adobe and Sunol House,

and teaches “Santa Clara Valley History” for Campbell Adult Education. He is a member of the planning team for the Preservation Alliance of Santa Clara County.

**Arnold, Harriett** – Ms. Arnold is a Professor Emeritus at the University of the Pacific in Stockton, CA. Her spouse is a Program Coordinator with The Health Trust located in San Jose, CA. Ms. Arnold is a member of the Board of Directors for the San José State University Alumni Association. She also serves as the chairperson for the Historical and Archival Committee of the Antioch Baptist Church.

**Royer, Rachel** – Ms. Royer is Senior Development Manager for Lendlease, a real estate and investment group in Sunnyvale, CA. Her spouse is Senior Contracts Negotiator for Palo Alto Networks in Santa Clara, CA. Ms. Royer was a member of the Philadelphia Historical Commission and is a real estate professional with an M.S. in Historic Preservation.

### ***New Applicants***

**Ayala, Adriana** – Ms. Ayala is the Executive Director of the Chicana Latina Foundation (CLF). CLF is a community-based organization serving women of color in college. She states that she graduated from University of California with a bachelor’s degree in History and a minor in Ethnic Studies. Ms. Ayala also graduated from the University of Texas at Austin with a master’s degree in 1996 and a Ph.D. in 2005, both in History. She is also the board chair for Mujeres Activas en Letras y Cambio Social (MACLA), an organization serving women of color in college. Ms. Ayala’s spouse is a medical doctor for Kaiser South San Jose. Ms. Ayala may need to recuse herself from items coming before the commission that involve CLF, MACLA, or Kaiser South San Jose.

**Karzmark, Peter** – Dr. Karzmark is a retired clinical neuropsychologist, previously employed at Stanford Medical Center. His spouse is retired.


**Reynolds, Nancy** – Ms. Reynolds is an associate broker with Rainmaker Real Estate in Los Altos, California. Her spouse is an operations manager with Rainmaker Real Estate. Ms. Reynolds states that she was a prior board member of the Morgan Hill Historical Society, but is no longer on the board.

**Camuso, Lawrence** – Mr. Camuso is a self-employed business owner based in San Jose. He states that he is a graduate of the Institute of Design San Francisco (1980), and a graduate of West Valley College (1983) with a major in Interior Design. Mr. Camuso states that he owns several properties, some of which may have historic landmark status. Mr. Camuso may need to recuse himself from items coming before the commission that involve any of his properties.

## **CONCLUSION**

The applicants do not appear to hold incompatible offices or have pervasive conflicts of interest that would automatically preclude them from serving on the Historic Landmarks Commission. **It is possible depending on specific circumstances that the following situations could create an actual conflict of interest or an appearance of conflict of interest including, but not limited to, proximity of the property before the Commission to the applicants' residence or business, the applicant's position on the board of an organization that appears before the Commission, or the member's or his/her spouse's current or prior financial interest in an organization that comes before the Commission.** The applicants confirmed that they reside in San Jose. The Committee may wish to consider the above comments in making its recommendation regarding appointments to the Historic Landmarks Commission.

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By   
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