

# *Memorandum*

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Nora Frimann  
City Attorney

**SUBJECT:** Measure T Community  
Oversight Committee

**DATE:** August 16, 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 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**

### **Incumbent Applicant:**

**Rich Giammona** – Mr. Giammona resides in District 2. He is a substitute teacher with the San Jose Unified School District and currently serves on the Measure T Oversight Committee. Mr. Giammona's spouse is employed by Rani Therapeutics. His application discloses neither incompatible offices nor apparent conflicts of interest.

### **New Applicant:**

**Joanna Rauh** – Ms. Rauh resides in District 3. She is Assistant General Counsel for Deloitte LLP located in San Jose. Ms. Rauh's spouse is a Director with Trucker Huss APC in San Francisco. Her application discloses neither incompatible offices nor apparent conflicts of interest.

## **CONCLUSION**

None of the applicants appear to hold any incompatible offices or to have conflicts of interest that would preclude them from serving on the Measure T Committee. Each applicant states that they reside in San José. 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