

Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Nora Frimann
City Attorney

SUBJECT: San José City Council
Appointments

DATE: January 3, 2023

BACKGROUND

The San José City Council ("City Council") will interview applicants to fill vacancies on the City Council in Districts 8 and District 10.

This Office routinely reviews applications to fill vacancies on the City Council, 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 City Council 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.

CITY COUNCIL DUTIES

Under Article IV of the San José City Charter, all powers of the City and the determination of all matters of policy shall be vested in the City Council, subject to the Provisions of this Charter and the Constitution of the State of California. The Council shall consist of eleven (11) members, one of whom shall be the Mayor, each of whom shall have the right to vote on all matters coming before the City Council.

Under Section 404 of Article IV of the San José City Charter, a person shall not be eligible to take office as a member of the Council, including Mayor, unless the person satisfies all of the following conditions:

- (a) The person must have been a citizen of the United States for at least one year immediately preceding the commencement of the term for which the person is elected or the date upon which the person is appointed.
- (b) The person must have been a resident of the City of San José and, excepting the Mayor, of the District represented by the person as member, for at least thirty (30) days immediately preceding the last day specified by law for the filing of nomination papers

with the City Clerk for such office or, if appointed, preceding the date of the person's appointment to fill a vacancy.

(c) If elected to office at a Regular Municipal Election, the person must have been a registered elector of the City of San José on the last day specified by law for the filing of nomination papers with the City Clerk for such office.

(d) If appointed to such office, the person must have been a registered elector of the City of San José at the time of the person's appointment.

APPLICANTS

All applications listed below were reviewed by our Office. Unless otherwise indicated, the application does not disclose incompatible offices or apparent conflicts of interest that would substantially impair the functioning of the City Council.

LEGAL CONFLICTS THAT MAY PRECLUDE VOTE OR PARTICIPATION

Certain positions may preclude a member from participating in the City Council discussion or from voting if a matter involving the entity comes before the City Council. 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 City Council 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 City Council 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 City Council.

APPEARANCE OF BIAS

There may be facts which would not amount to a legal conflict of interest requiring a member to recuse themselves from a City Council 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 themselves 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 is the new applicant, and any apparent legal conflicts of interest and/or appearance of bias related to entities that are likely to come before the City Council in some manner, as identified in their applications.

A. District 10 Unanticipated Vacancy Applicants

Chung, Ann – Ms. Chung is a Marketing Associate at Xeltek. She is a current resident of District 10 in San José. Ms. Chung's application does not disclose any apparent conflicts of interest or incompatible offices.

Hruby, Ronda – Ms. Hruby is a retired engineer who was previously employed by IBM. She is a current resident of District 10 in San José. Ms. Hruby reports being the current Treasurer for Coyote Creek Community Garden and a member of the parish council for St. Basil Greek Orthodox Church. Ms. Hruby's application does not disclose any apparent conflicts of interest or incompatible offices.

Braunstein, Robert – Mr. Braunstein reported that he is currently employed as an Executive Producer for the San Francisco 49ers. He is a current resident of District 10 in San José. Mr. Braunstein's spouse is employed as a teacher with the Pinewood School. Mr. Braunstein previously ran for the District 10 City Council seat in 2012. Mr. Braunstein reported previous involvement with the Martin-Fontana Parks Association where he previously served as the Vice-President. Mr. Braunstein was also a member of the Small Business Development Commission in 2010. He also served on a committee studying the non-residential impact fees for San José city parks and served on the San José's Reach Youth Scholarship Committee and the San José Hall of Fame Selection Committee. Mr. Braunstein has taught students at both Monta Vista High School in Cupertino and at San Jose State University as an adjunct professor. Mr. Braunstein's application does not disclose any apparent conflicts of interest or incompatible offices.

D'innocenti, Jean – Jean D'innocenti is a retired Social Worker formerly employed by the Department of Family and Children's Services. Jean D'innocenti's spouse is a Talent Acquisition Practitioner employed by Medtronic. Jean D'innocenti's receives a pension through CalPERS. Jean D'innocenti's application does not disclose any apparent conflicts of interest or incompatible offices.

Williams, Forrest – Mr. Williams is a resident of District 10 in San José. He listed both his and his spouse's employment status as retired. Mr. Williams indicated he receives retirement benefits from IBM, PERS, and Social Security. Mr. William's spouse receives retirement benefits from Kaiser Permanente and Social Security. Mr. Williams previously served as a City Council member for District 2. Mr. Williams has also served as a Planning Commissioner for the City of San José. He was also a Trustee of the Oak Grove School Board. Mr. Williams' application does not disclose any apparent conflicts of interest or incompatible offices.

Wilson, Mike – Mr. Wilson is a resident of District 10 in San José. He is a retired behavioral psychologist. Mr. Wilson's spouse is employed by Stanford Health Care. Mr. Wilson's application does not disclose any apparent conflicts of interest or incompatible offices.

Samuel, Anne – Ms. Samuel is a resident of District 10 in San José. She is a Benefits Administrator employed by Design Visionaries, Incorporated. Ms. Samuel's spouse is President of Design Visionaries, Incorporated. Ms. Samuel's application indicates that she taught communication courses at West Valley College. She also reports volunteer experience with the Assistance League of San José. Ms. Samuel also serves as a member and former board member of the Almaden Valley Women's Club. Ms. Samuel's application does not disclose any apparent conflicts of interest or incompatible offices.

Mahaney-Gurahoo, Wendi – Ms. Mahaney-Gurahoo is a resident of District 10 in San José. Her application lists her employment status as Self Employed in Development, Executive Coaching, and Strategic Planning. Ms. Mahaney-Gurahoo's spouse is a Chief Financial Officer employed by Pacific Clinics located in Campbell, California. Ms. Mahaney-Gurahoo has past and current community experience as a District 10 Elected Trustee and Vice President. She also reports involvement with the Area 5 San José Unified School District Board of Education Committee, Budget Advisory Committee, Citizens' Bond Oversight Committee, San José Unified Council of Parent Teacher Association Appointed Chair, City of San José Public Library and Education Commission, Boys Team Charity, Almaden Valley Advisory Council Member, Local Early Education Planning Council of Santa Clara County, Warmenhoven Foundation Advisory Committee Advocacy Committee, California Child Care Administrators Association, and the California Head Start Association. Ms. Mahaney-Gurahoo's application does not disclose any apparent conflicts of interest or incompatible offices.

Carr, Dolores – Ms. Carr is a resident of District 10 in San José. Ms. Carr's employment status is listed as Retired. Ms. Carr has previous community experience as a prosecutor, Superior Court Judge and District Attorney. Her spouse's job title is listed as a self-employed Consultant. Ms. Carr reports receiving retirement benefits from CalPERS and the US Marine Corps. Ms. Carr previously served as the President of the Government Attorneys Association. Ms. Carr is a current member of the Diocese of San José Planning Commission. She also reports previous participation with the State Bar of California's Committee of Bar Examiners, Board of Reappraisers, the Santa Clara County Domestic Violence Council, the Advisory Board for Safe Havens, and Next Door Solutions to Domestic Violence. Ms. Carr's application does not disclose any apparent conflicts of interest or incompatible offices.

Waldman, Allen – Mr. Waldman is a resident of District 10 in San José. Mr. Waldman is a Senior Lead Consultant Geologist for WSP USA, Incorporated. Mr. Waldman's spouse is a Teacher with the Union School District. Mr. Waldman reported volunteer involvement with the organization One Brick and as a member of the Board of Directors for the Villa de Santa Teresa Homeowners Association. Mr. Waldman's application does not disclose any apparent conflicts of interest or incompatible offices.

Heindel, J. David – Mr. Heindel is a current resident of District 10 in San José. He reports his employment status as the Owner of Hotworx. Mr. Heindel's spouse is the Director of Admissions & Outreach for Almaden Country Day School. Mr. Heindel reports past community experience with the District 10 Leadership Coalition, Shadow Brook Swim Club, Downtown Parking Board, the San José All District Leadership Group, and the

National Junior Basketball League. Mr. Heindel's application does not disclose any apparent conflicts of interest or incompatible offices.

Casey, George – Mr. Casey is a resident of District 10 in San José. He is a Director of Corporate Counsel for Unlock Technologies, Incorporated. Mr. Casey is a current representative of District 10 on the Planning Commission. Mr. Casey's application does not disclose any apparent conflicts of interest or incompatible offices.

Del Pozzo, Ron – Mr. Del Pozzo is a current resident of District 10 in San José. He is a retired Superior Court Judge for the County of Santa Clara. Mr. Del Pozzo's spouse is employed as a Flight Attendant with Southwest Airlines. Mr. Del Pozzo reports receiving retirement benefits from CalPERS. Mr. Del Pozzo reports community involvement with the Rotary Club, Kiwanis Club, Boys & Girls Club, Italian American Heritage Foundation, Viet Heritage Society, Hispanic Foundation, and the Hsinchi Sister County Commission. Mr. Del Pozzo's application does not disclose any apparent conflicts of interest or incompatible offices.

Castaneda, Jesse – Mr. Castaneda is a resident of District 10 in San José. Mr. Castaneda is employed as a Supervisor of the Admitting Department with the County of Santa Clara. Mr. Castaneda's spouse is employed as an Accountant by the County of Santa Clara. Mr. Castaneda reports past and present community involvement with the Jose Valdes Math Institute, the South Bay Labor Council, the County Employee Management Association of Santa Clara County, Justice for Immigrants, the Political Action Committee at St. Julie Church, the Santa Teresa Elementary School Site Council, Santa Teresa Elementary Home School Association Board, the Resources for Families and Communities, the City of San José Project Diversity Screening Committee, Edenvale Great Oaks Planning and Implementation, the Greenbook Project, the Silicon Valley Alliance for Immigration Reform, and the Coalition for Humane Immigration Rights. Mr. Castaneda's application does not disclose any apparent conflicts of interest or incompatible offices.

Moses, Anthony – Mr. Moses is a current resident of District 10 in San José. He is self-employed as a Certified Real Estate Appraiser. Mr. Moses' application does not disclose any apparent conflicts of interest or incompatible offices.

Batra, Arjun – Mr. Batra is a resident of District 10 in San José. His employment status is listed as retired from the Intel Corporation. Mr. Batra's spouse is employed as an Education Instructor with the Metropolitan Education District. Mr. Batra reports receiving retirement benefits from Dow Chemical of Canada and Manulife on behalf of Dow Chemical of Canada. Mr. Batra reports past and current involvement with the San José City Smart City Advisory Committee, San José City Information Technology Committee, and the Community Oversight Committee for San José. Mr. Batra's application does not disclose any apparent conflicts of interest or incompatible offices.

Hawkins, Dennis – Mr. Hawkins is a resident of District 10 in San José. Mr. Hawkins' employment status is listed as retired. Mr. Hawkins' spouse is a Music Teacher employed by Music for Minors. Mr. Hawkins reports receiving retirement benefits from the City of San José Federated Retirement and CalPERS. Mr. Hawkins is the former City Clerk for

the City of San José. Mr. Hawkins' reports past and current community involvement with the Oak Grove School District Board of Trustees, the Special Olympics, YMCA, Boy Scouts, and Santa Teresa Music and Arts Association. Mr. Hawkins' application does not disclose any apparent conflicts of interest or incompatible offices.

Toolson, Andrew – Mr. Toolson is a resident of District 10 in San José. He is a Software Engineer Manager for Apple. Mr. Toolson's spouse is an Office Manager for OLogic in Santa Clara. Mr. Toolson reports past and current community involvement with the Almaden Elders Group, the Boy Scouts of America, Almaden Valley Strong, and the Santa Clara LAFCO. Mr. Toolson's application does not disclose any apparent conflicts of interest or incompatible offices.

Sodergren, James – Mr. Sodergren is a current resident of District 10 in San José. Mr. Sodergren is a Founder & CEO of StreamLine Network Associates, Incorporated. His spouse is employed as the Founder of Morgan Hill Music Studios. Mr. Sodergren reports past and current community involvement with the Political Action Committee for San José's Advocacy Committee. Mr. Sodergren's application does not disclose any apparent conflicts of interest or incompatible offices.

Ho, Maylyne – Ms. Ho is an insurance agent employed by Farmers Insurance. Ms. Ho is a resident of District 10 in San José. Ms. Ho campaigned for San José Mayor Matt Mahan from May 2022 through the November 2022 election. Ms. Ho's application does not disclose any apparent conflicts of interest or incompatible offices.

Gomez, Gabriel – Mr. Gomez is an undergraduate student at the University of California, Santa Cruz. Mr. Gomez indicated he is a resident of District 10 in San José but is not registered to vote in the City of San José. Mr. Gomez's application does not disclose any apparent conflicts of interest or incompatible offices.

Chaparala, Sandeep – Sandeep Chaparala is a Sr. Director with Intel Corporation in Santa Clara, California. Ms. Chaparala is a resident of District 10 in San José. Her spouse is currently employed as a Physician with Mednax. Ms. Chaparala's application does not disclose any apparent conflicts of interest or incompatible offices.

Bayzaie, Nooran – Mr. Bayzaie is a current member of the Parks and Recreation Commission for the City of San José and also the co-founder of Youth Care Initiative, a charitable nonprofit organization dedicated to providing educational and medical services to youth in need. Mr. Bayzaie is a resident of District 10 in San José. Mr. Bayzaie's application does not disclose any apparent conflicts of interest or incompatible offices.

Holsen, Greg – Mr. Holsen indicated that he is currently the Vice President of WMD Digital Atmospheres, a business networking group. He is a current resident of District 10 in San José. Mr. Holsen's spouse is an operations manager with Xerox. Mr. Holsen is also a current board member for Emmaus Inn Ministries and Heidi Krueger Foundation. He also served as a board member for Hidden Villa from 2019 to 2021. Mr. Holsen's application does not disclose any apparent conflicts of interest or incompatible offices.

B. District 8 Unanticipated Vacancy Applicants

Giordono, Matthew – Mr. Giordono listed his employment status as retired. However, his application indicates that he has a part-time, non-supervisory position with Team San José. He indicated that he would resign from this position if appointed. He was also a Commissioner on the City of San José Library and Early Education Commission from 2015 to 2017. Mr. Giordono's application does not disclose any apparent conflicts of interest or incompatible offices.

Pham, Nick – Mr. Pham is a current resident of District 8 in San José. He is the owner of PN Real Estate Group. He also is a court-approved mediator with the Santa Clara County Superior Court. Mr. Pham was a Commissioner with the Planning Commission from 2014 to 2018. He has served as a Chairman for the School Site Council, and Chairman of the Evergreen School District Advisory Committee. Mr. Pham's application does not disclose any apparent conflicts of interest or incompatible offices.

Gill, Kalvin – Mr. Gill is a resident of District 8 in San José. He is currently employed as the VP of Business Development with EnSofia Incorporated. Mr. Gill's spouse is a care giver employed by In Home Supportive Services. Mr. Gill currently serves as an elected Director of the Santa Clara Valley Open Space Authority Board. Mr. Gill previously served as commissioner on the San José Human Rights Commission and was a member of the Indo-American Political Association, the District 8 community Roundtable, the American Sikh temples Organization, the Hindu temples Organization, the Silicon Valley Asian Pacific American Democratic Club, and the San José Gurdwara. Mr. Gill's application does not disclose any apparent conflicts of interest or incompatible offices.

Candelas, Domingo – Domingo Candelas is the Director of Local Government Affairs at Stanford University. He is a resident of District 8 in San José. Mr. Candelas was the lead staff member for California State Senator Jim Beall. Mr. Candelas reported working at Valley Water in the Office of Governmental Relations on various water and environmental issues. Mr. Candelas also reported volunteering on the board of several environmental advocacy organizations including, Save Our Trails, Friends of Five Wounds Trail, and the Santa Clara League of Conservation Voters. Mr. Candelas' application does not disclose any apparent conflicts of interest or incompatible offices.

Kahlon, Aarshdeep – Mr. Kahlon is a Technical Project Manager at Google. Mr. Kahlon is a resident of District 8 in San José. Mr. Kahlon is the current chair of the Bicycle & Pedestrian Advisory Committee. Mr. Kahlon reports volunteering with the California Native Plant Society Santa Clara Valley Chapter. Mr. Kahlon's application does not disclose any apparent conflicts of interest or incompatible offices.

Xu, Jason – Mr. Xu is a resident of District 8 in San José. He is currently retired. Mr. Xu reports previous community experience volunteering for David Cortese's and Jimmy Neuyen's District 8 City Council campaigns, Tony Qin's School Board campaign, and Kevin Jensen's campaign for Santa Clara County Sheriff. Mr. Xu is the current president of the Silicon Valley Chinese Association Foundation. He also reports previously serving on the board of the Alamini Association of North California. Mr. Xu's application does not disclose any apparent conflicts of interest or incompatible offices.

Campbell, Kent – Mr. Campbell is currently employed as a Psychotherapist and the President of Family Matters Counseling Services. He is a resident of District 8 in San José. Mr. Campbell's spouse is an Executive Assistant employed by Comprehensive Financial Management. Mr. Campbell reported previous volunteer service with various church governing boards, Sacred Heart Community Service, and retirement homes. Mr. Campbell was the President and Vice President of Amigos de las Americas Silicon Valley Chapter between 2010 and 2020. He is the current Evergreen Valley High School PTSA Vice President, and served previously as the Stone Church of Willow Glen Deacon and Elder in 1991 and 1992. Mr. Campbell's application does not disclose any apparent conflicts of interest or incompatible offices.

Bainiwal, Sukhdev – Mr. Bainiwal is a software Quality Assurance Manager for Nice North America. He is a current resident of District 8 in San José. Mr. Bainiwal's spouse is a Postal Clerk with the United States Postal Service. Mr. Bainiwal was a Commissioner on the San José Airport Commission. He is a former member of the Santa Clara County Network for Hate Free Community, a present member of the Silicon Valley Interreligious Council, and reported various volunteer efforts with Catholic Charities of Santa Clara County, HomeFirst, and African American Community Services. He also reported being a previous member of the Santa Clara County Democratic Central Committee. Mr. Bainiwal's application does not disclose any apparent conflicts of interest or incompatible offices.

Alvarez, Salvador – Mr. Alvarez is an Executive Analyst II with the City of San José. He is also a current resident of District 8 in San José. His spouse is a teacher with the Evergreen Elementary School District. Mr. Alvarez reported previous work as a Case Manager for the Centro De Bienestar, Gardner Family Health Network from 1996 to 1999. He was also the Founding Chair of the Santa Clara County Mental Health Coalition. Mr. Alvarez also reports working as the State Assembly District Coordinator for Elaine Alquist from 1999 to 2002. He was a member of the Silicon Valley Manufacturing Group's Housing Leadership Group La Raza Roundtable advocating for affordable housing policy at the state and local level. He was also a member of the Five Wounds Brookwood Terrace Strong Neighborhood Initiative's Neighborhood Advisory Board. Mr. Alvarez also reported being a member of the Division of Social Sciences Board of Councilors for the University of California at Santa Cruz. He is also a current board member for Veggielution, which is a part of the Si Se Puede collective of non-profit organizations in the Mayfair neighborhood of San Jose's East Side. **Section 406 of Article IV of the San José City Charter prohibits any member of the Council, other than the Mayor, from holding any office or City employment during the term for which he or she was elected to the City Council.**

Truong, Tam – Mr. Truong is Sergeant with the San José Police Department where he has served in various capacities since 2008. He is a current resident of District 8 in San José. He was previously employed as a Deputy Sheriff with the Santa Clara County Sheriff's Office. **Section 406 of Article IV of the San José City Charter prohibits any member of the Council, other than the Mayor, from holding any office or City employment during the term for which he or she was elected to the City Council.**

Brammer, Carmen – Ms. Brammer is a Political Strategist & Community Advocate. She is a current resident of District 8 in San José. She reports being an active member of many local community based organizations, nonprofits, boards and commissions, which include, 2022 Together We Vote Campaign African American Community Service Agency, Afro Upris Alzheimer's Advocate with the Alzheimer's Association, Champion for Assembly Member Ash Kalra, Black Leadership Kitchen Cabinet, Black Alzheimer's Association Advisory Council, Community Opportunity to Purchase Act, Indivisible San José, Race Action Equity leadership Coalition, Sacred Heart Housing Action Committee, Santa Clara County Single Payer Healthcare, Santa Clara County Senior Care Commission, San José Dance Theatre, Board Member Showing Up for Racial Justice, South County Solidarity Sundays, San José South Bay Progressive Alliance, Voices in Action, San José Women's Club, Office of Racial Equity's San José for All community roundtable, People Acting Together in Community, and the Latina Coalition of Silicon Valley. Ms. Brammer's application does not disclose any apparent conflicts of interest or incompatible offices.

Andrade, Patricia – Ms. Andrade is currently employed with the City of San José working in Council Community Relations. Ms. Andrade's spouse is a Registered Investment Advisor with Silicon Valley Wealth Management. Ms. Andrade is a current resident of District 8 in San Jose. Ms. Andrade is the current President of the Evergreen School District Board. She is also a member of the Evergreen School District Board of Trustees, the Evergreen Council of PTAs, and reports previous membership as the Advocacy Chair for the Sixth District PTA from 2017 to 2019, the Quimby Middle School President from 2017 to 2019, and the Carolyn Clark President from 2014 to 2016. **Section 406 of Article IV of the San José City Charter prohibits any member of the Council, other than the Mayor, from holding any office or City employment during the term for which he or she was elected to the City Council.**

Herrera, Rose – Ms. Herrera reports being currently retired. Ms. Herrera is a resident of District 8 in San José. Ms. Herrera's spouse is a Patent Examiner with the US Patent and Trademark Office. Ms. Herrera previously served two full terms on the City Council, with the final two years served as Vice Mayor. Ms. Herrera is the President of United Veterans Council, the Founder and President of Involved Evergreen, and the Chair of the Santa Clara County Measure B Citizens Oversight Committee. She is also a founding member of the Bay Area Military Women's Collaborative, and Founder and past President of the League of California Cities Women's Caucus. Ms. Herrera also served in the United States Air Force from 1972 to 1975. Ms. Herrera's application does not disclose any apparent conflicts of interest or incompatible offices.

CONCLUSION

Except as otherwise noted above, the applicants do not appear to hold incompatible offices or have pervasive conflicts of interest that would automatically preclude them from serving on the City Council. **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 property discussed before the City Council to the applicants' residence or business, the applicant's position on the board of an organization that appears before the City Council, or**

the member's or his/her spouse's current or prior financial interest in an organization that comes before the City Council. With the exception of applicant Gabriel Gomez, all applicants confirmed they were residents of San Jose and registered electors of the City. Mr. Gomez would be ineligible for appointment if he is not a registered elector in District 10 of the City of San José for the 30 days preceding appointment. The City Council may wish to consider the above comments in making its recommendation regarding appointments to the City Council.

NORA FRIMANN
City Attorney

By /s/ Matthew D. Tolnay
Matthew D. Tolnay
Deputy City Attorney

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

January 3, 2023

Subject:

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