CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: NORA FRIMANN
City Attorney

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

DATE: May 1, 2023

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

Hai Bui – Mr. Bui is a resident of District 2 and is employed by VMware as a Principal Software Engineer. His application discloses neither incompatible offices nor apparent conflicts of interest.

Mike Campbell – Mr. Campbell is a resident of District 10 and is employed by Moore Iacofano Goltsman, Inc. as Director of Environmental Analysis. His application discloses neither incompatible offices nor apparent conflicts of interest.

Carlos Casas-Hawkins – Mr. Casas-Hawkins is a resident of District 10 and works as an Administrative Assistant at Luther Burbank School District. His application discloses neither incompatible offices nor apparent conflicts of interest.

Jason Gordon – Mr. Gordon is a resident of District 10 and is employed by Workday as a Senior Technical Program Manager. His spouse is employed at Sutter Health. His application discloses neither incompatible offices nor apparent conflicts of interest.

Prateek Gupta – Prateek Gupta resides in District 4, is a current Airport Commissioner and is self-employed. The application discloses neither incompatible offices nor apparent conflicts of interest.

Robert Hencken – Mr. Hencken is a resident of District 9 and is the Owner and President of Hencken Development Consultants, LLC. Mr. Hencken worked for the City of San Jose as a Civil Engineer I/II and Associate Civil Engineer from 1981 to 1989. His spouse is retired from the City of San Jose. His application discloses neither incompatible offices nor apparent conflicts of interest.

Elizabeth Holt – Ms. Holt resides in District 3 and works at Silicon Valley Bank as Senior Manager, Talent Development. Her application discloses neither incompatible offices nor apparent conflicts of interest.

Dana Todd Iketani – Mr. Iketani is a resident of District 6 and works at Shield Intellectual Property PC as an Attorney. His application discloses neither incompatible offices nor apparent conflicts of interest.

Manoj Kumar – Manoj Kumar resides in District 1 and works at Google and lists a job title as "Leadership." The application discloses neither incompatible offices nor apparent conflicts of interest.

John Leipelt – Mr. Leipelt resides in District 2 and lists his occupation as a retired suprevisor. Mr. Leipelt's spouse is a teacher at Evergreen School District. The application discloses neither incompatible offices nor apparent conflicts of interest.

Cristian Martinez-Carranza – Mr. Martinez-Carranza is a resident of District 3 and works at Varian as a Supplier Quality Engineer. His spouse is employed at DCP Alum Rock High School as a Special Education Teacher. His application discloses neither incompatible offices nor apparent conflicts of interest.

Ravi Pathak – Mr. Pathak is a resident of District 7 and works at Oracle as a Senior Director of Oracle Fusion Cloud SaaS. His spouse works at CDC as a Master Teacher. His application discloses no other incompatible offices nor apparent conflicts of interest.

Babu Ramaraj – Babu Ramaraj resides in District 6 and works at Adobe Inc. as Director of Program and Operations. Mr. Ramaraj's spouse is a teacher at ACE Charter School in San Jose. The application discloses neither incompatible offices nor apparent conflicts of interest.

Antonio Shelly – Mr. Shelly is a resident of District 3 and works at CoreSite as a Data Center Operations Manager. His application discloses neither incompatible offices nor apparent conflicts of interest.

Jaya Singhal – Jaya Singhal resides in District 6 and works at Ariat International Inc. as Director of Data Science and Strategy. The application discloses neither incompatible offices nor apparent conflicts of interest.

Nick Wester – Mr. Wester resides in District 6 and works at Azazie, Inc. as a QC Supervisor. His application discloses neither incompatible offices nor apparent conflicts of interest.

Margaret Wheeler – Ms. Wheeler is a resident of District 4 and she is retired. Her spouse is retired, too. 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 Airport Commission.

NORA FRIMANN,
City Attorney

By: _____
Kevin Fisher
Assistant City Attorney

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

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: Nora Frimann
City Attorney

SUBJECT: **Conflicts Review – Arts Commission Applicants**

DATE: April 25, 2023

BACKGROUND

This Office routinely reviews applications to City Boards and Commissions. The applications generally do not provide complete information regarding actual 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 applications. In order to analyze potential conflicts, it is necessary to consider the duties of the particular commission for which the applicants are 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

Pursuant to the San Jose Municipal Code, the Arts Commission advises the City Council and other City boards and commissions on matters relating to the arts and cultural life of the City, reviews and recommends funding levels for grant applications from cultural and other organizations and monitors the City's art acquisition program.

The Commission is also responsible for formulating recommendations with respect to the City's art in public places program, in conjunction with the appropriate City departments and commissions.

Persons appointed to the Commission must have "acknowledged accomplishment" in one or more fields of art or "they must have demonstrated a deep interest and appreciation of cultural and artistic activities."

APPLICANTS

The applicants listed below were reviewed by our office. The applications do not disclose incompatible offices or apparent conflicts of interest that would substantially impair the functioning of the Arts 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 a commissioner and an entity comes

before the Commission in the situations mentioned below. 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 of 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 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 Arts Commission in some manner, as identified on the applications.

Stephen Eckstone – Mr. Eckstone is retired from San Jose State University. Mr. Eckstone's spouse is employed with Santa Clara County with the 988 Hotline program. He is either a current or prior member of the San Jose State University Planning Board. It is possible that the Commission could consider a matter involving an organization affiliated with Mr. Eckstone which may present an actual conflict or appearance of bias. In such a case, Mr. Eckstone may need to disqualify himself from taking part in the Commission's decision on that matter. Otherwise, the application discloses no incompatible offices nor apparent conflicts of interest.

Amy Brown – Ms. Brown is a self-employed artist, designer and business owner of Jumbo Jibbles/Etsy. Her spouse is an engineer with Intel located in Santa Clara. Ms. Brown managed the social media accounts and website for her art studio of over 40 artists. She is a volunteer driver and meal-packer for The Health Trust, a charitable organization based in San Jose. It is possible that the Commission could consider a

matter involving a source of income to Ms. Brown which may present an actual conflict or appearance of bias. In such a case, Ms. Brown 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.

Alexander Nguyen – Mr. Nguyen is the Chief Executive Officer of Hot Boi Chili Oil LLC. His spouse is a COVID/Vaccination Scheduler for Asian Health Services located in Oakland. Mr. Nguyen speaks Vietnamese, and has been recognized for his involvement in various film festivals. He is currently pursuing his MBA at Santa Clara University. It is possible that the Commission could consider a matter involving a source of income to Mr. Nguyen which may present an actual conflict or appearance of bias. In such a case, Mr. Nguyen may need to disqualify himself from taking part in the Commission's decision on that matter. Otherwise, the application discloses no incompatible offices nor apparent conflicts of interest.

Brenda Jackson – Ms. Jackson is retired, and formerly employed with AT&T. She sits on the Board of the Northern California Arts Collective theater group and is the IT Director for Emmanuel Baptist Church. It is possible that the Commission could consider a matter involving an organization affiliated with Ms. Jackson which may present an actual conflict or appearance of bias. In such a case, Ms. Brown 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.

Haley Cardamon – Ms. Cardamon is self-employed as a Creative Consultant/Project Manager. She was the Program Manager of Creative Service and Public Art with Local Color, and now freelances with Local Color, a charitable organization based in San Jose that creates economic opportunities for local artists. It is possible that the Commission could consider a matter involving a source of income to or an organization affiliated with Ms. Cardamon which may present an actual conflict or appearance of bias. In such a case, Ms. Cardamon 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.

Michael Sommese – Mr. Sommese is a teacher of 16 years with Milpitas Unified School District. His spouse is also a teacher with the Milpitas Unified School District. Mr. Sommese is an opera singer and has been involved with various performances over the years. It is possible that the Commission could consider a matter involving the Milpitas School District which may present an actual conflict or appearance of bias. In such a case, Mr. Sommese may need to disqualify himself from taking part in the Commission's decision on that matter. Otherwise, the application discloses no incompatible offices nor apparent conflicts of interest.

Dorian Marquez – Mr. Marquez is a self-employed contract worker. His spouse is a Clinician with Trumpet Behavioral Health. Mr. Marquez speaks Spanish. It is possible that the Commission could consider a matter involving an organization affiliated with Mr. Marquez which may present an actual conflict or appearance of bias. In such a case, Mr. Marquez may need to disqualify himself from taking part in the Commission's decision on that matter. Otherwise, the application discloses no incompatible offices nor apparent conflicts of interest.

Randy Ramirez – Mr. Ramirez is an artist, and employed as a salesperson for Fix Air located in San Jose. He graduated from San Jose State University with a BFA, and is enrolled in the Single Subject Teaching program at San Jose State University to teach art. It is possible that the Commission could consider a matter involving a source of income to Mr. Ramirez which may present an actual conflict or appearance of bias. In such a case, Mr. Ramirez may need to disqualify himself from taking part in the Commission's decision on that matter. Otherwise, the application discloses no incompatible offices nor apparent conflicts of interest.

Joshua Russell – Mr. Russell is the Director of Marketing and Public Relations for Evergreen Valley College and sits on several boards and committees for the college. He created genARTS Silicon Valley (an arts leadership network), sits on the advisory board of Content Magazine, is a member of the Community Advisory Panel of KQED, is a published children's author, and runs a horror podcast with his two children. It is possible that the Commission could consider a matter involving Evergreen Valley College or an organization with whom Mr. Russell is affiliated which may present an actual conflict or appearance of bias. In such a case, Mr. Russell may need to disqualify himself from taking part in the Commission's decision on that matter. Otherwise, the application discloses no incompatible offices nor apparent conflicts of interest.

Christopher Lee – Mr. Lee is an author with Packt Publishing, headquartered in the United Kingdom. He speaks Hong Kong Cantonese and Taiwanese Mandarin and volunteers with the Sierra Club. Mr. Lee is a new commissioner with the Council Appointment Advisory Commission with the City of San Jose. He started his first term on March 9, 2023, ending on December 31, 2026. According to Council Policy 0-4, no commissioner shall serve on more than one commission at a time. Should Mr. Lee seek appointment to the Arts Commission, upon appointment, he shall be deemed automatically resigned from the Council Appointment Advisory Commission. It is possible that the Commission could consider a matter involving an organization affiliated with Mr. Lee which may present an actual conflict or appearance of bias. In such a case, Mr. Lee may need to disqualify himself from taking part in the Commission's decision on that matter. Otherwise, the application discloses no incompatible offices or apparent conflicts of interest.

Michael Strelo-Smith – Mr. Strelo-Smith is the owner and voice instructor of MSS Voice Studio. He holds a BFA and MFA in Musical Performance from Notre Dame de Namur University and completed additional studies in voice and opera performance at the San Francisco Conservatory and the Boston Conservatory. It is possible that the Commission could consider a matter involving MSS Voice Studio which may present an actual conflict or appearance of bias. In such a case, Mr. Strelo-Smith may need to disqualify himself from taking part in the Commission's decision on that matter. Otherwise, the application discloses no incompatible offices or apparent conflicts of interest.

Carman Gaines – Ms. Gaines is the Associate Director of Local Color, a charitable organization based in San Jose that creates economic opportunities for local artists. She holds a BA in Art History and Studio Art from San Francisco State University and an AA in Art History, Criticism and Conservation from De Anza College. It is possible that the Commission could consider a matter involving Local Color which may present an actual conflict or appearance of bias. In such a case, Ms. Gaines 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.

Steven Martinez – Mr. Martinez is the manager of 3rd & Bourbon, a lounge and restaurant located in San Jose. He holds an AFA from San Jose City College. Mr. Martinez is a muralist and co-owner of a local art collective. It is possible that the Commission could consider a matter involving a source of income to Mr. Martinez which may present an actual conflict or appearance of bias. In such a case, Mr. Martinez may need to disqualify himself from taking part in the Commission's decision on that matter. Otherwise, the application discloses no incompatible offices nor apparent conflicts of interest.

Blanch Vance – Ms. Vance is the Grants Manager of The Grove Foundation, a philanthropic organization based in Los Altos that provides grants to community organizations. Her spouse is a Maintenance Manager with Prometheus Real Estate Group, Inc. in Mountain View. It is possible that the Commission could consider a matter involving The Grove Foundation which may present an actual conflict or appearance of bias. In such a case, Ms. Vance 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.

Achim Heilmann – Mr. Heilmann is a retired quality manager. His spouse is a Senior Director with Varian Medical based in Palo Alto. He holds a Masters in Mechanical Engineering from University Essen, Germany and speaks German. It is possible that the Commission could consider a matter involving an organization affiliated with Mr. Heilmann which may present an actual conflict or appearance of bias. In such a case, Mr. Heilmann may need to disqualify himself from taking part in the Commission's

decision on that matter. Otherwise, the application discloses no incompatible offices nor apparent conflicts of interest.

Karen Adamski – Ms. Adamski is a Shamanic practitioner with Shamamama in San Jose and speaks ASL. Her spouse is a Manager of Facilities Engineering at Applied Materials based in Sunnyvale. As part of her Shamanism practice, she leads sound baths for county employees weekly, participates in various community events, and has been acknowledged by City lawmakers for her work. It is possible that the Commission could consider a matter involving Shamamama or a source of income to Ms. Adamski which may present an actual conflict or appearance of bias. In such a case, Ms. Adamski 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.

CONCLUSION

The applicants do not appear to have any incompatible offices or pervasive conflicts which would prevent serving on the Commission. You may wish to consider the above comments in making your recommendation on appointment to the Commission.

NORA FRIMANN
City Attorney

By: /s/ Leanne Bolaño
LEANNE BOLANO
Deputy City Attorney

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

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

TO:	HONORABLE MAYOR AND CITY COUNCIL	**FROM:**	Nora Frimann City Attorney
SUBJECT:	Conflicts Review - Housing and Community Development Commission	**DATE:**	April 27, 2023

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 shall be a person 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

At the end of the fiscal year, there will be five vacant seats on the Commission, three of which are currently filled by members seeking reappointment. In accordance with Section 2.08.180 of the Municipal Code, the five seats are to be nominated by District 2, 4, 6, 8, and 10.

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. It is separated into five categories: (a) those applicants that would qualify for appointment as a commissioner as a landlord representative; (b) those applicants that would qualify as a tenant of a residential rent stabilized unit; (c) those applicants that would qualify for appointment as a commissioner with experience living in homelessness; and (d) those applicants that do not qualify for a particular designated member seat, but are otherwise qualified to serve. Since specific gender preferences of the applicants are not provided in the application, all applicants below are referred to as “them/their/they.”

APPLICANTS THAT QUALIFY FOR APPOINTMENT AS AN APARTMENT RENT ORDINANCE LANDLORD REPRESENTATIVE

ROBERTA MOORE: This applicant is currently a member and is seeking reappointment to the landlord commissioner role due to their first term ending. The application was submitted on April 4, 2023 The Commissioner resides in Council District 10. The Commissioner’s application indicates that they are employed self employed as a broker associate of Compass. The spouse sections of this application indicate “n/a.” The applicant discloses owning property subject to the Apartment Rent Ordinance. If the Commissioner is reappointed to the landlord representative role, then owning a property covered by the Apartment Rent Ordinance will not create a conflict of interest. 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.

APPLICANTS WHO ARE CURRENTLY COMMISIONERS AND ARE SEEKING REAPPOINTMENT:

LINH VONG: This applicant is currently a member and is seeking reappointment to the as the District 4 representative due to their first term ending. The application was submitted on February 5, 2023 The Commissioner resides in Council District 4. The Commissioner's application indicates that they are employed as a clinical case worker for Fremont Hospital. The spouse sections of this application indicate "NA." 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.

ROBERTA MOORE: This applicant is currently a member and is seeking reappointment to the landlord commissioner role due to their first term ending. The application was submitted on April 4, 2023 The Commissioner resides in Council District 10. The Commissioner's application indicates that they are employed self employed as a broker associate of Compass. The spouse sections of this application indicate "n/a." The applicant discloses owning property subject to the Apartment Rent Ordinance. If the Commissioner is reappointed to the landlord representative role, then owning a property covered by the Apartment Rent Ordinance will not create a conflict of interest. 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.

HUY TRAN: This applicant is currently a member and is seeking reappointment to the as the District 3 representative due to their first term ending. The application was submitted on April 19, 2023 The Commissioner resides in Council District 3. The Commissioner's application indicates that they are employed as a partner for Justice at Work Law Group. The spouse sections of this application indicate they work at the David and Lucille Packard Foundation as a program associate. The applicant indicates that they currently rent property in San José but it is not subject to rent control or the Tenant Protection 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.

APPLICANTS THAT QUALIFY FOR APPOINTMENT AS AN APARTMENT RENT ORDINANCE TENANT REPRESENTATIVE:

CONCEPCION GALVAN: This application was submitted on February 10, 2023.The applicant resides in Council District 10. Under the current employment section, the applicant indicates they are employed as a cook at In N Out Burger. Under the spouse's job section, the applicant indicates their spouse is also employed at In N Out Burger. The applicant indicates that they currently rent property in San José and that property is subject to the Apartment Rent Ordinance, but the applicant does not disclose it in their application. The applicant could have a potential financial conflict of interest if the applicant was a member the Commission and was considering an agenda item that impacted the financial interest of tenants in properties covered by the Apartment Rent Ordinance. 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.

YAMILLE JIMENEZ: This application was submitted on October 6, 2022 and the applicant is applying for the lived experience with homelessness member seat which is currently filled. According to the application, the applicant resides in Council District 5. The applicant indicates that they are employed by Next Door Solutions as a self sufficiency advocate. Their application indicates that they rent property in the City of San José and it is subject to rent control. The spouse sections of this application indicate "n/a." 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.

NIA TAYLOR: This application was submitted on October 6, 2022 and indicates they are applying for the lived experience with homelessness member seat. The applicant resides in Council District 5. This applicant indicates in the employment section "n/a" and "disabled." The spouse sections of this application are marked "N/A". Their application indicates that they rent property in the City of San José and it is subject to rent control. The application indicates that they serve as the lived experience advisory boardmember for Abode. A potential financial conflict of interest may arise since currently Abode is under contract with the Housing Department to operate permanent supportive housing sites at the Plaza Hotel and Evans Lane. If the Commission is presented with any items potentially impacting services or agreements with Abode, the Commissioner may have to recuse themself from participating in the item to avoid any potential conflicts of interest.

JEREMIAH WILSON: The applicant resides in Council District 6. This application was previously submitted on August 17, 2022. The application indicates "n/a" in the employment section but that they are a tutor. Their application indicates that they rent property in the City of San José that is 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.

APPLICANTS THAT QUALIFY FOR APPOINTMENT AS A TENANT WITH LIVED EXPERIENCE IN HOMELESSNESS (SEAT CURRENTLY FILLED)

NIA TAYLOR: This application was submitted on October 6, 2022 and indicates they are applying for the lived experience with homelessness member seat which are currently filled. The applicant resides in Council District 5. This applicant indicates in the employment section "n/a" and "disabled." The spouse sections of this application are marked "N/A". Their application indicates that they rent property in the City of San José and it is subject to rent control. The application indicates that they serve as the lived experience advisory board member for Abode. A potential financial conflict of interest may arise since currently Abode is under contract with the Housing Department to operate permanent supportive housing sites at the Plaza Hotel and Evans Lane. If the Commission is presented with any items potentially impacting services or agreements with Abode, the Commissioner may have to recuse themself from participating in the item.

MICHAEL ECKHART: This application was submitted on October 24, 2022 and the applicant is applying for the lived experience with homelessness member seat which are currently filled. According to the application, the applicant resides in Council District 3. The applicant indicates that are employed as owner of 4n1 Extracting. The spouse sections of this application indicate they are retired. 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.

RAYMOND RAMSEY: This application was submitted on October 24, 2022 and the applicant is applying for the lived experience with homelessness member seat. According to the application, the applicant resides in Council District 3. The applicant indicates they are retired and previously practiced law. The spouse sections of this application indicate "none." 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.

AMELIA RIOS: This application was submitted on April 14, 2023 and they are applying for the lived experience with homelessness seat, although those seats are currently occupied. According to the application, the applicant resides in Council District 4. The applicant indicates in the employment section that they are a senior pastor at the Church Matriarch. The spouse sections of this application indicate "none." 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.

OTHER APPLICANTS:

JEN BEEHLER: This application was submitted on April 16, 2023. According to the application, the applicant resides in Council District 6. The applicant indicates they are a realtor for Elevate Group. The spouse sections of this application indicate "n/a." 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 her work as a realtor, so the applicant could 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.

TODD DAVIDSON: The applicant resides in Council District 9. This application was submitted on April 16, 2023. This application indicates they are mostly retired and doing some consulting work, with their prior full time employment in clean energy and water solutions. The spouse section indicates "N/A". The applicant owns their home. 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.

ELIZABETH AGRAMONT-JUSTINNIANO: This application was previously submitted on July 14, 2022. The applicant resides in Council District 3 in a non-rent-stabilized apartment. This application indicates they are employed part-time by Luna as a Promatora and work for Sunday Friends which is a nonprofit organization in San José. The spouse sections of the applicant indicates "N/A." 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 BRENOT: The applicant resides in Council District 3. This application was previously submitted on October 4, 2022. This application indicates the applicant is not currently employed. The applicant's spouse sections of this application indicates that they are a scientist at Miltenyi Biotec. 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.

PRAVIN PATEL: The applicant resides in Council District 4. This application was previously submitted on May 16, 2022. This applicant indicates they are retired. The spouse sections of this application indicate their spouse is also retired. 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.

ANTONIO SHELLY: The applicant resides in Council District 3. This application was previously submitted on October 10, 2022. This applicant indicates that they are a Data Center Organizations Manager for Coresite. Their application indicates that rent property in the City of San José, 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.

JOE LOVELACE: The applicant resides in Council District 9. This application was previously submitted on May 9, 2022. The application indicates "n/a" in the employment section. The spouse section indicates that their spouse is employed as a nutritional therapist. 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.

CONCLUSION

Except as noted in the review of applicants Nia Taylor, Jen Beehler, and Concepcion

Galvan, 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
Jacky Morales-Ferrand, Director of Housing

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: Nora Frimann
City Attorney

SUBJECT: **LIBRARY AND EDUCATION COMMISSION APPLICANTS**

DATE: April 26, 2023

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 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 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 childcare.

APPLICANTS

The application from the applicants listed below was reviewed by our office. This review was limited to the information provided on the application and was not intended to be a comprehensive investigation of potential conflicts involving the applicant. 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 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 application.

Hamed Khandan – Mr. Khandan's application indicates he is currently self-employed as an Engineer. He speaks multiple non-English languages including Persian and Japanese. Mr. Khandan's application discloses no incompatible offices nor apparent conflicts of interest.

Carlos Casas-Hawkins – Mr. Casas-Hawkins is currently employed as an Administrative Assistant with Luther Burbank School District. He speaks Spanish and

has worked in a school district for over fifteen (15) years including two (2) years as a school librarian. It is possible that the Commission could consider a matter involving the school district which may present an appearance of bias. In such a case, Mr. Casas-Hawkins may need to disqualify himself from taking part in the Commission's decision on that matter.

Rene Alvarez – The application for Mr. Alvarez indicates he is currently the Dean of Academic Success and Student Equity with San Jose City College. He is a member of the Board of Directors for the Bill Wilson Center; and speaks Spanish. It is possible the Commission could consider a matter involving San Jose City College or the Bill Wilson Center which may present an appearance of bias. In such a case, Mr. Alvarez may need to disqualify himself from taking part in the Commission's decision on that matter.

Stephen Eckstone – Mr. Eckstone is retired from San Jose State University. Mr. Eckstone's spouse is employed with Santa Clara County with the 988 Hotline program. He is either a current or prior member of the San Jose State University Planning Board. It is possible that the Commission could consider a matter involving San Jose State University or Santa Clara County which may present an appearance of bias. In such a case, Mr. Eckstone may need to disqualify himself from taking part in the Commission's decision on that matter.

Whitney Evans – Ms. Evans is the California Director of ParentChild+ Inc., a charitable organization that promotes literacy and school readiness. Ms. Evans's spouse is self-employed as a Real Estate Appraiser. It is possible that the Commission could consider a matter involving ParentChild+ Inc. or a source of income to Ms. Evan's spouse which may present an actual conflict of interest or appearance of bias. In such a case, Ms. Evans may need to disqualify herself from taking part in the Commission's decision on that matter.

Melanie Sellar – Ms. Sellar is employed with Santa Clara University as the Head of Instruction and Assessment for the University Library. Her spouse is the Principal Systems Performance Architect for Rivian Inc. located in Palo Alto. She is the founder and co-executive director of Librarians Without Borders. It is possible that the Commission could consider a matter involving Santa Clara University, Librarians Without Borders or Rivian Inc. which may present an actual conflict of interest or appearance of bias. In such a case, Ms. Sellar may need to disqualify herself from taking part in the Commission's decision on that matter.

Coco-Nicole Banks – Ms. Banks is employed by Breakthrough Silicon Valley, a college access and readiness nonprofit organization, as a Corporate and Community Engagement Manager. It is possible that the Commission could consider a matter involving Breakthrough Silicon Valley which may present an actual conflict of interest or appearance of bias. In such a case, Ms. Evans may need to disqualify herself from taking part in the Commission's decision on that matter.

Jeremiah Wilson – Mr. Wilson's application demonstrates an interest in a variety of public policy issues. The application does not disclose any affiliation or source of income that would present an incompatible offices or apparent conflicts of interest.

Tonya Robertson – Ms. Robertson is a College and Career Coordinator with Los Gatos Saratoga Union High School District. Her spouse is a Project Manager with Integrated Designs located in San Jose. It is possible that the Commission could consider a matter involving Los Gatos Saratoga Union High School District or Integrated Designs which may present an actual conflict of interest or appearance of bias. In such a case, Ms. Robertson may need to disqualify herself from taking part in the Commission's decision on that matter.

Mary Gwynne – Ms. Gwynne was an elementary school teacher for thirty (30) years and is now retired. Her application discloses no incompatible offices nor apparent conflicts of interest.

Patricia Gardner – Ms. Gardner is a consultant with PAG Leadership Consulting. Her spouse is a business owner. Ms. Gardner led the Silicon Valley Council of Nonprofits for almost 20 years. It is possible that the Commission could consider a matter involving a source of income to her or her spouse, or an organization with whom Ms. Gardner is affiliated that may present an actual conflict of interest or appearance of bias. In such a case, Ms. Gardner may need to disqualify herself from taking part in the Commission's decision on that matter.

Dale Fisk – Mr. Fisk is retired from IBM where he was previously a Senior Engineer – Manager. He is a Board Member of the Friends of the King Library. It is possible that the Commission could consider a matter involving Friends of the King Library which may present an actual conflict of interest or appearance of bias. In such a case, Mr. Fisk may need to disqualify himself from taking part in the Commission's decision on that matter.

Gerard Roney – Mr. Roney is a retired attorney. His spouse is a retired association CEO, and receives a pension from O'Connor Hospital. Mr. Roney's application does not specify where he or his spouse worked prior to retiring. It is possible that the Commission could consider a matter involving a source of income to him or his spouse which may present an actual conflict of interest or appearance of bias. In such a case, Mr. Roney may need to disqualify himself from taking part in the Commission's decision on that matter.

Alexis Steen – Ms. Steen is a Vice President at HomeStreet Bank. It is possible that the Commission could consider a matter involving HomeStreet Bank which may present an actual conflict of interest or appearance of bias. In such a case, Ms. Steen may need to disqualify herself from taking part in the Commission's decision on that matter.

Christopher Lee – Mr. Lee is an author at Packt Publishing. It is possible that the Commission could consider a matter involving Packt Publishing which may present an actual conflict of interest or appearance of bias. In such a case, Mr. Lee may need to disqualify himself from taking part in the Commission's decision on that matter.

Amy Brown – Ms. Brown is a business owner. Her spouse is an engineer at Intel. Ms. Brown is a volunteer with Health Trust as a driver and meal-packer for Meals on Wheels and Aids Services. It is possible that the Commission could consider a matter involving a source of income to her or her spouse, or an organization with whom Ms. Brown is affiliated that may present an actual conflict of interest or appearance of bias. In such a case, Ms. Brown may need to disqualify herself from taking part in the Commission's decision on that matter.

Seema Kale – Ms. Kale is a School Site Library Media Clerk with the Campbell Union School District. Her spouse is a Senior Software Engineer at Apple, Inc. It is possible that the Commission could consider a matter involving a source of income to her or her spouse which may present an actual conflict of interest or appearance of bias. In such a case, Ms. Kale may need to disqualify herself from taking part in the Commission's decision on that matter.

Kristen Brown – Ms. Brown is a Teacher at Woodhaven Preschool. Her spouse is an Edge Operations Manager at Apple, Inc. It is possible that the Commission could consider a matter involving a source of income to her or her spouse which may present an actual conflict of interest or appearance of bias. In such a case, Ms. Brown may need to disqualify herself from taking part in the Commission's decision on that matter.

Mariah Tapia – Ms. Tapia is an Administrative Business Partner at Google. It is possible that the Commission could consider a matter involving Google which may present an actual conflict of interest or appearance of bias. In such a case, Ms. Tapia may need to disqualify herself from taking part in the Commission's decision on that matter.

Maria Patricia Mendoza – Ms. Mendoza is a Graduate Student at the University of Southern California. Her spouse is a Senior Accountant with the County of Santa Clara. It is possible that the Commission could consider a matter involving a source of income to her or her spouse which may present an appearance of bias. In such a case, Ms. Mendoza may need to disqualify herself from taking part in the Commission's decision on that matter.

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 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. Where this may be the case, they must abstain from participating in that Library and Education Commission agenda matter. A conflicts check was not completed for one applicant due to insufficient information provided in the application. The City Council may wish to consider the above comments in making its appointments to the Commission.

NORA FRIMANN
City Attorney

By /s/ Omar El-Qoulaq
Omar El-Qoulaq
Chief Deputy City Attorney

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

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: Nora Frimann
City Attorney

SUBJECT: **LIBRARY AND EDUCATION COMMISSION APPLICANT**

DATE: August 9, 2022

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 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 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

The application from the applicant listed below was reviewed by our office. This review was limited to the information provided on the application and was not intended to be a comprehensive investigation of potential conflicts involving the applicant. 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 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 application.

Deniz Westphal – Ms. Westphal's application indicates she is a Customer Advocacy and References Manager at Aruba Networks (a Hewlett Packard company) in San Jose. The application does not indicate a spouse. 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 her from serving on the Library and Education Commission based upon the application submitted. The applicant may be precluded from participating in matters involving her employer or the entities of which she is an officer or member. Where this may be the case, she 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 Erin O'Neill
Erin O'Neill
Deputy City Attorney

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

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: Nora Frimann
City Attorney

SUBJECT: **Measure T Community Oversight Committee**

DATE: April 21, 2023

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 30th; 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

Hai Bui – Mr. Bui resides in District 2. He is a principal software engineer with VMware based in Palo Alto, CA. The responses in the application also suggest an interest in the Planning Commission.

Michelle Brenot – Ms. Brenot resides in District 3. The application does not identify a current employer. The responses relating to past experience indicates she is an attorney but the law school is not listed under education history. Her spouse is a scientist with Miltenyi Biotec in San Jose, CA.

Enrique Arguello – Mr. Arguello resides in District 5. He is a business manager and chief executive officer for LIUNA Laborers Union Local 270. The application indicates that he campaigned for Measure T.

Monica Rodriguez – Ms. Rodriguez resides in District 7. She is a courtesy clerk with Nob Hill Foods Market in Campbell, CA.

Lee Space – Mr. Space resides in District 9. He is a Director of tech partnerships with Palo Alto Networks. The responses in the application also suggest an interest in the Board of Fair Campaign and Political Practices Commission.

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

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: Nora Frimann
City Attorney

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

DATE: April 27, 2023

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.

Alexis Steen – Alexis Steen's application indicates that she is currently employed at HomeStreet Bank as a Vice President Branch Manager. She also has served as the Community Vice President for the San Jose Junior League, the Gala Committee member at the Silicon Valley Boys and Girls Club, and on the Board and Judge's Chair for Miss Oakland and Miss San Francisco competition. 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, 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.

Andre Morrow – Andre Morrow's application indicates he is a retired City of San Jose employee and currently serve as a Parks and Recreation Commissioner since August 2019. The application discloses no incompatible offices nor apparent conflicts of interest.

Christopher Lee – Christopher Lee's application indicates he is currently employed as an Author for Packt Publishing. He also served on the Young Supporters Committee for Hope for New York from 2012 to 2014, and also served as Councilmember Commissioner for the Ernst & Young San Jose Diversity & Inclusion Council. The application also discloses that he served on the City of San Jose Council Appointment Advisory Commission at the Sierra Club as a volunteer. 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, they may need to disqualify himself from taking part in the Commission's decision on that matter. Otherwise, the application discloses no incompatible offices nor apparent conflicts of interest.

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.

Pranav Joshi – Pranav Joshi's application indicates they are currently employed by City Year in San José. It is possible that the Commission could consider a matter involving this organization which may present an actual conflict or appearance of bias. In such a case, Pranav Joshi may need to disqualify themself from taking part in the Commission's decision on that matter. Otherwise, the application discloses no incompatible offices nor apparent conflicts of interest.

Paul Lawryk – Paul Lawryk's application indicates that he is currently employed part-time by the Los Gatos Saratoga High School District. The application discloses no incompatible offices nor apparent conflicts of interest.

Amy Carlson – Amy Carlson's application indicates that she is employed by CSAA Insurance. The application also discloses that Amy Carlson previously served as a member of the Senior Care Commission of Santa Clara County, but does not indicate whether that position is ongoing or has terminated. 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, Amy Carlson 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.

Rhonda Harper – Rhonda Harper's application indicates that she is currently employed as the President of Black Girls Surf in San José. The application also indicates that she served as a member of the Parks & Recreation Commission in Los Banos, as well as the LGBTQIA+ Representative for the San José/Silicon Valley NAACP, but the application does not indicate whether or when those positions terminated or are ongoing. 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, Rhonda Harper 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.

Julie Courtnay – Julie Courtnay's application indicates that she is currently employed by Synopsys, Inc. The application discloses no incompatible offices nor apparent conflicts of

interest.

Matthew Giordono – Matthew Giordono's application indicates that he is not currently employed. Matthew Giordono has previously served on the City's Library and Early Education Commission. The application discloses no incompatible offices nor apparent conflicts of interest.

Michelle Brenot – Michelle Brenot's application indicates that she is not currently employed. Michelle Brenot previously served as a Philanthropy Chair for the Santa Clara County Quilt Guild around 2001. The application discloses no incompatible offices nor apparent conflicts of interest.

Kelly Snider – Kelly Snider's application indicates that she is currently employed at San Jose State University as a Director. Kelly Snider previously worked for the San Jose Redevelopment Agency from 2000-2004, and currently serves as a member of SPUR and the Downtown Streets Team Board of Directors. Kelly Snider also previously served as a member of the SV @Home Board of Directors. Kelly Snider 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.

Kent Campbell – Kent Campbell's application indicates that he is currently employed at Family Matters Counseling Services as a President/Psycotherapist. Their application indicates between 2010 and 2020, Kent Campbell served on various bond measure oversight boards for the Evergreen Elementary School District. Between 2010 and 2020, Kent Campbell served as the President and Vice President for the Amigos de la Americas Silicon Valley High School PTSA. Since 2019, Kent Campbell has served as a Vice President for the Stone Church of Willow Glen. Kent Campbell may need to disqualify himself from taking part in the Commission's decision on that matter. Otherwise, the application discloses no incompatible offices nor apparent conflicts of interest.

Shirley Young – Shirley Young's application indicates she is currently retired. Their application also indicates that from 2007 until 2016, Shirley Young was a Membership Manager for Resource Area for Teachers. The application discloses no incompatible offices nor apparent conflicts of interest.

Samuel Plante – Samuel Plante's application indicates he is currently a Barista as Gong Cha. The application discloses no incompatible offices nor apparent conflicts of interest.

Dan Staley – Dan Staley's application indicates he is currently employed as a Principal at Arbor Drone, LLC. Dan Staley was previously a Planning Commissioner for the City of Aurora, Colorado from July 2016 through November 2019. Dan Staley's application also indicates he was a Senior Planner for the Town of Castle Rock, Colorado from December 2006 until April 2008. Dan Staley was also the Planning Director for the City of Buckley, Washington from April 2005 until December 2006. Dan Staley's application also indicates he was on the Board of Directors for the Conservatory Metropolitan District from October 2009 through August 2018, and for the TREE Davis from September 1999 until March

2003. It is possible that the Commission could consider a matter involving Arbor Drone LLC may present an actual conflict or appearance of bias. In such a case, Dan Staley may need to disqualify himself from taking part in the Commission's decision on that matter. Otherwise, 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.

NORA FRIMANN
City Attorney

By Andrew Malek
Andrew Malek
Deputy City Attorney

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

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: Nora Frimann
City Attorney

SUBJECT: **Planning Commission Applicants**

DATE: May 23, 2023

BACKGROUND

This Office 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
2. To serve in an advisory capacity to the City Council with respect to specific proposals for or affecting zonings, the general plan, specific plan, and Zoning Ordinance (SJMC Title 20) amendments.

Pursuant to state law and the City Charter, the Planning Commission also is 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

Two 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 3, 2020 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 4

Peter Fleming applied on March 27, 2023. Mr. Fleming is employed as a realtor for Intero Real Estate located in the City of San José. He does not currently own property in the City of San José and is a renter in the Cambrian Community Neighborhood in San José City Council District 9. No spouse or domestic partner listed. If appointed, Mr. Fleming may need to abstain from participating in decisions that potentially affect his employer or any real property interests connected to his clients or business interests as a realtor. As noted, he is currently renting and registered to vote in District 9.

William Wu applied on March 28, 2023. Mr. Wu and his spouse are currently retired. He earns a pension from CalPERS. He owns his residence in the Summerdale Neighborhood in San José City Council District 4. If appointed, Mr. Wu may need to abstain from participating in decisions that potentially affect his property interest.

Melissa Bickford applied on May 16, 2023. Ms. Bickford is a Senior Technical Program Manager at Google. Her spouse is retired and formerly employed by IBM. She and her spouse own their home in the Berryessa Creek Neighborhood in San José City Council District 4. If appointed, Ms. Bickford may need to abstain from participating in decisions that potentially affect her employer or 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

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: Nora Frimann
City Attorney

SUBJECT: **Conflicts Review Senior Citizens' Commission Applicants**

DATE: April 27, 2023

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.

Christopher Lee – Christopher Lee's application indicates they are currently employed as an Author for Packt Publishing. They also served on the Young Supporters Committee for Hope for New York from 2012 to 2014, and also served as Councilmember Commissioner for the Ernst & Young San Jose Diversity & Inclusion Council. The application also discloses that they served on the City of San Jose Council Appointment Advisory Commission at the Sierra Club as a volunteer. In such a case, they may need to disqualify themselves from taking part in the Commission's decision on that matter. Otherwise, the application discloses no incompatible offices nor apparent conflicts of interest.

Kohli Singh – Kohli Singh is currently retired and not employed outside the home. The application discloses no incompatible offices nor apparent conflicts of interest.

Mary Tucker – Mary Tucker is a retired City employee and not employed outside of the home. The application indicates that Ms. Tucker is the President of the Hensley Historic District Neighborhood Association. It is possible that the Commission could consider a matter involving this organization which may present an actual conflict or appearance of bias. In such a case, Ms. Tucker 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.

Lee Space – Lee Space is currently employed as the Director of Tech Partnerships at Palo Alto Networks, Inc. in Santa Clara. The application also indicates that Mr. Space is a board member to Hudson Valley Blues Board, which is based out of New Jersey. Mr. Space also is a member of the Leadership for Women in Product at Palo Alto Networks. Mr. Space also has served on the Council Admission Advisory Commission for the City of San José since September 2020. 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, Mr. Space may need to disqualify himself from taking part in the Commission's decision on that matter. Otherwise, the application discloses no incompatible offices nor apparent conflicts of interest.

Gina Gates Lopez – Gina Gates Lopez's application indicates she is currently employed at Gates Consulting Group as a Partner, and her spouse is employed at BD BioSciences. Her application also indicates she was a San Jose Senior Commissioner from 2021 to 2022 and currently serves on the Santa Clara County 211 Advisory Board. 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, Ms. Gates Lopez 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.

Lilia Hancock – Lilia Hancock's application indicates she is currently employed at Transpak as a Regional Human Resources Manager. Her spouse is employed at Abbott. Her application also indicates that she served as a Human Resources Manager for Catholic Charities from 2000 to 2003 and a Troop Leader for Girls Scouts of America from 2002 to 2018. 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, Ms. Hancock 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.

Obdulia Corona – Obdulia Corona is currently not employed. The application discloses no incompatible offices nor apparent conflicts of interest.

Ruthie Medina – Ruthie Medina is currently retired and not employed. 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.

NORA FRIMANN
City Attorney

By Andrew Malek
ANDREW MALEK
Deputy City Attorney

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