



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Nora Frimann  
City Attorney

**SUBJECT:** San José City Council Interim  
Appointment

**DATE:** January 22, 2025

## **BACKGROUND**

The San José City Council (“City Council”) will interview applicants to fill a vacancy on the City Council in Districts 3 until a candidate is duly elected at the upcoming Special Election.

This Office routinely reviews applications to fill vacancies on the City Council, City Boards, Commissions, and Committees. The applications do not provide complete information; however, they do occasionally disclose potential conflicts of interest or incompatible offices. The purpose of this memorandum is to highlight major areas of potential conflict that are disclosed by the applications. To analyze potential conflicts, it is necessary to consider the duties of the City Council to which the applicant is seeking appointment. This review is limited to the information provided on the application and is not intended to be comprehensive investigation of potential conflicts involving the applicants.

## **CITY COUNCIL DUTIES**

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

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

(a) The person must have been a citizen of the United States for at least one year immediately preceding the commencement of the term for which the person is elected or the date upon which the person is appointed.

(b) The person must have been a resident of the City of San José and, excepting the Mayor, of the District represented by the person as member, for at least thirty (30) days immediately preceding the last day specified by law for the filing of nomination papers

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

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

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

## **APPLICANTS**

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

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

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

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

## **APPEARANCE OF BIAS**

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

## **REVIEW OF APPLICANTS**

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

### **A. District 3 Interim Appointee Vacancy Applicants**

**Staedler, Robert** – Mr. Staedler is self employed as a Principal of Silicon Valley Synergy. He is a current resident of District 3 in San José. Mr. Staedler reported that he is currently a Board Member with the Leo M. Shortino Family Foundation and has previously received recognition from the City Council for purchase of a building occupied by Guadalupe River Park Conservancy. Mr. Staedler also reported previously serving as the Vice Chair of the Santa Clara County Redistricting Commission. Mr. Staedler's application does not disclose any apparent conflicts of interest or incompatible offices.

**Salas, Carl Eugene** – Mr. Salas is a resident of District 3 in San José. He reported his current employment as the Founding Principal of Salas O'Brien. He also reported being a current Board Member of the San Jose Police Foundation, The Guadalupe River Park Conservancy and the Rotary Club of San Jose. Mr. Salas' application does not disclose any apparent conflicts of interest or incompatible offices.

**Lopez, Baltazar** – Mr. Lopez is a resident of District 3 in San José. He reported his current employment as a Government & Community Affairs Officer with Caltrain. Mr. Lopez is a current Board Member with the Santa Clara County Citizens' Advisory Commission on Elections and has previously served with the San Jose Board of Fair Campaign and Political Practices and the Santa Clara County Committee on School District Organization. Mr. Lopez's application does not disclose any apparent conflicts of interest or incompatible offices.

**Christian, Danielle Marie** – Ms. Christian is a resident of District 3 in San José. Ms. Christian listed her current employment as Retired. Ms. Christian's application does not disclose any apparent conflicts of interest or incompatible offices.

**Williams, Jahmal** – Mr. Williams is a resident of District 3 in San José. Mr. Williams is currently employed as the Director of DEI Partnerships and University Community Liaison with San Jose State University. Mr. Williams currently serves as a Board Member with Somos Mayfair and the Black Leadership Kitchen Cabinet of Santa Clara County. Mr. Williams' application does not disclose any apparent conflicts of interest or incompatible offices.

### **CONCLUSION**

Except as otherwise noted above, the applicants do not appear to hold incompatible offices or have pervasive conflicts of interest that would automatically preclude them from serving on the City Council. **It is possible depending on specific circumstances that the following situations, could create an actual conflict of interest or an appearance of conflict of interest including, but not limited to, proximity of property discussed before the City Council to the applicants' residence or business, the applicant's**

**position on the board of an organization that appears before the City Council, or the member's or his/her spouse's current or prior financial interest in an organization that comes before the City Council.** The City Council may wish to consider the above comments in making its recommendation regarding appointments to the City Council.

NORA FRIMANN  
City Attorney

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

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

January 3, 2023

**Subject:**

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