CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: Richard Doyle
City Attorney

SUBJECT: **Conflicts Review – Downtown Parking Board Applicants**

DATE: November 30, 2017

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 board or 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.

BOARD DUTIES

The Board has the following functions, powers, and duties:

A. Review, evaluate and make recommendations to the City Council regarding the City's Downtown Parking Program, including, but not limited to:

1. The updating and implementation of any Downtown Parking Plan that has been approved by the City Council.
2. The annual capital and operating budgets respecting the Downtown Parking Program.
3. The award of consultant and vendor contracts related to the Downtown Parking Program.
4. The goals and objectives for the Downtown Parking Program.
5. The on-street and off-street parking rates and implementation of parking validation programs.
6. The marketing of on-street and off-street parking facilities in downtown.
7. The implementation of downtown parking enforcement.
8. The operation of public off-street and on-street parking facilities.

B. Periodically review, evaluate and make recommendations regarding the parking fund fiscal reports and the use of parking operations revenues.

C. Review and make recommendations on downtown parking needs, the expansion, addition or improvement of downtown parking facilities, and improvements to parking operations downtown.

D. Serve as a public forum for the discussion of downtown parking issues.

LEGAL CONFLICTS THAT MAY PRECLUDE VOTE OR PARTICIPATION

Certain positions may preclude a Board member from participating in a Board discussion or from voting if a matter involving the entity comes before the Board. 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 Board member within the 12 months preceding the start of the Board term, as defined under the Political Reform Act;
- An application shows sources of income to a Spouse or Domestic Partner of a potential Board member within the 12 months preceding the start of the Board 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 Board.

The Municipal Code contains specific requirements, made in compliance with State law pertaining to conflicts of interest, that members of the Board should be representative of the interests of various groups in matters related to the administration of the Downtown Parking Board and that such representation is in the public interest.

APPLICANTS

Applications from the applicants listed below were reviewed by our Office:

Sarah Mancuso – The applicant is applying from council district six. Ms. Mancuso's application indicates she is the operations director of Harvest properties a real estate investment company that manages property downtown. The applicant's spouse works for Stanford University. Her application discloses neither incompatible offices nor apparent conflicts of interest. If the applicant may benefit financially from any parking matter before the Board, the applicant may have a conflict and will have to recuse herself.

CONCLUSION

Unless otherwise indicated, no application discloses incompatible offices nor apparent conflicts of interest that would substantially impair the functioning of the Board. You may wish to consider the above comments in making your recommendations on appointments to the Board.

RICHARD DOYLE
City Attorney

By _____
JON CALEGARI
Deputy City Attorney

cc: David Sykes
Toni Taber