CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: Richard Doyle
City Attorney

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

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 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 applicant 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.

Barinder Ahluwalia – Barinder Ahluwalia's application indicates that he/she is retired. His/her spouse is unemployed. Barinder Ahluwalia has been a sitting member of the Parks and Recreation Commission whose term expired June 30, 2017. This application discloses neither incompatible offices nor apparent conflicts of interest.

Lawrence Ames – Mr. Ames's application indicates that both he and his spouse are retired. He has held several positions on neighborhood commissions/committees. His application discloses neither incompatible offices nor apparent conflicts of interest.

Bill Bartz – Mr. Bartz' application indicates both he and his wife are unemployed. His application discloses neither incompatible offices nor apparent conflicts of interest.

Cory Caouette – Mr. Caouette's application lists his home address for his employer. A review of his resume indicates he is a Managing Partner with By Sea Immigration Services. His spouse works as an Attorney for Guckenheimer. His application discloses neither incompatible offices nor apparent conflicts of interest.

Tanya Freudenberger – Ms. Freudenberger's application indicates that she is retired. Her spouse works for WSP Parsons Brinkerhoff as a Senior Engineer. Her application discloses neither incompatible offices nor apparent conflicts of interest.

Matthew Giordono – Mr. Giordono's application indicates he is unemployed. His spouse is retired. His application discloses neither incompatible offices nor apparent conflicts of interest.

Joseph Herrity – Mr. Herrity's application indicates he is an Associate Director with Planned Parenthood Mar Monte. His spouse is a Director of Leasing for ATC Partners. His application discloses neither incompatible offices nor apparent conflicts of interest.

James Knittle – Mr. Knittle's application indicates he is unemployed. His spouse works for EAG Analytical as a Senior Scientist/Analyst. His application discloses neither incompatible offices nor apparent conflicts of interest.

Curtis Meacham – Mr. Meachum's application lists only an address for his employer. A review of his resume indicates he is employed with iHealth Labs as Customer Support Manager. His application discloses neither incompatible offices nor apparent conflicts of interest.

Juten Mukesh Mehra – Juten Mukesh Mehra's application indicates that he/she works for Applied Materials Inc. as an Internal Auditor. This application discloses neither incompatible offices nor apparent conflicts of interest.

Amrutha Ragavan – Amrutha Ragavan's application indicates that he/she is self-employed with Kaal Labs LLC as Project Manager. His/her spouse is unemployed. This application discloses neither incompatible offices nor apparent conflicts of interest.

Elizabeth Ruiz – Ms. Ruiz' application indicates that she is owner of Coin Toss Ventures dba Aloha Roller Rink and Casa Tortuga Yelapa. Her application discloses neither incompatible offices nor apparent conflicts of interest.

Ruben Valles Jr. – Mr. Valles' application indicates he works for Newton Center Inc. as Site Director. His application discloses neither 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.

RICHARD DOYLE
City Attorney

By _____
ELIZABETH KLOTZ
Sr. Deputy City Attorney

cc: Dave Sykes, City Manager
Toni J. Taber, CMC, City Clerk