



Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: Richard Doyle
City Attorney
SUBJECT: NEIGHBORHOODS COMMISSION APPLICANTS:
CONFLICTS OF INTEREST
DATE: March 20, 2018

BACKGROUND

This office routinely reviews applications to City Boards, Commissions, and Committees. Although these applications do not provide complete information, they occasionally disclose potential conflicts of interest or incompatible offices. This memorandum highlights major areas of potential conflict disclosed in the applications. However, this review is limited to the information provided, and is not intended to be a comprehensive investigation of potential conflicts involving the applicants.

COMMISSION DUTIES

The Neighborhoods Commission is an advisory body to the City Council. (SJMC §§ 2.08.3400 *et seq.*) It studies, reviews, evaluates, and makes recommendations to the City Council “regarding issues, policies, and programs affecting the quality of life in San José neighborhoods, focusing on neighborhood safety, transportation, and code enforcement.” (SJMC § 2.08.3430.) In addition, it serves as a Citizens’ Oversight Board that reports to the City Council about revenue expenditures generated from the November 2016 voter-approved sales tax. (Reso. No. 78016.)

COMMISSION MEMBERSHIP

The Commission is a 20-member body. Each member must reside within the boundaries of the council district for the seat to which he or she was appointed during the term of that seat. (SJMC §§ 2.08.3410, 2.08.3420.) If a member is no longer a resident of the council district, the seat will be deemed vacant.

Commissioners are appointed by the City Council after being nominated through a neighborhoods caucus process, which will occur in Spring 2018. (SJMC § 2.08.3440.A.)

LEGAL CONFLICTS THAT MAY PRECLUDE VOTE OR PARTICIPATION

Certain positions may preclude a commissioner from participating in a commission discussion or from voting on a matter if there is a conflict. While this list is not complete, conflicts generally fall within 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.

In each of these instances, the commissioner may be required to recuse himself or herself if a matter comes before the Commission affecting the above interests.

APPEARANCE OF BIAS

There may also be facts which would not amount to a legal conflict of interest, but still require recusal because certain relationships may create an appearance of bias. City Council policy requires commissioners to be free from bias in their decision making, and may require recusal if the facts could reasonably lead one to conclude that the commissioner would be biased for or against an entity or entities.

APPLICANTS

The following applications were reviewed:

CANDIDATES FOR COUNCIL DISTRICT 1

Gary Cunningham: Applicant resides in District 1, and submitted his application on February 21, 2018. Applicant is retired.

Applicant is a current Neighborhoods Commissioner for District 1 since 2014. He is also a member of the Strawberry Square Homeowners Association. It is possible that the Commission could consider an issue that may come within the purview of his role, if any, in this group, presenting an actual conflict or appearance of bias. In such a case, Applicant may need to recuse himself from taking part in the Commission's decision on that matter.

Otherwise, no incompatible officers or apparent conflicts of interest are disclosed.

Justin Lardinois: Applicant resides in District 1, and submitted his application on March 1, 2018. Applicant is employed as a Software Engineer for Court Hero.

No incompatible officers or apparent conflicts of interest are disclosed.

Franklin Nguyen: Applicant resides in District 1, and submitted his application on March 3, 2018. Applicant is employed by IBM as a Product Manager. Applicant's spouse is a Portfolio Manager with Lyell Wealth Management.

No incompatible officers or apparent conflicts of interest are disclosed.

Amrutha Ragavan: Applicant resides in District 1, and submitted the application on November 10, 2017. Applicant is self-employed as a consultant with Kaal Labs LLC. Applicant's spouse is unemployed.

No incompatible officers or apparent conflicts of interest are disclosed.

Jon-Paul Wolfe: Applicant resides in District 1, and submitted his application on March 4, 2018. Applicant is an electrician for IBEW 332.

No incompatible officers or apparent conflicts of interest are disclosed.

CANDIDATES FOR COUNCIL DISTRICT 3

Burt Weaver: Applicant resides in District 3, and submitted his application on April 26, 2017. Applicant and his spouse are retired.

No incompatible officers or apparent conflicts of interest are disclosed.

Richard Wong: Applicant resides in District 3, and submitted his application on March 15, 2017. Applicant is the owner of ECS Design. Applicant's spouse is listed as the CFO, VP.

Applicant also serves on the Board of Directors of Delmas Park Neighborhood Association and ACT for Mental Illness. It is possible that the Commission could consider an issue that may come within the purview of his leadership role in these groups, presenting an actual conflict or appearance of bias. In such a case, Applicant may need to recuse himself from taking part in the Commission's decision on that matter.

Otherwise, no incompatible officers or apparent conflicts of interest are disclosed.

CANDIDATES FOR COUNCIL DISTRICT 5

Jewell Buchanan: Applicant resides in District 5, and submitted the application on December 14, 2017. Applicant is self-employed as a Leadership Search Consultant.

Applicant appears to volunteer with Lend a Hand based out of Oakland. It is possible that the Commission could consider an issue that may come within the purview of the role, if any, in this group, presenting an actual conflict or appearance of bias. In such a case, Applicant may need to recuse himself from taking part in the Commission's decision on that matter.

Otherwise, no incompatible officers or apparent conflicts of interest are disclosed.

Nia Celestin: Applicant resides in District 3, and submitted the application on March 2, 2018. Applicant is employed as a Senior Product Marketing Manager at Polycom. Applicant's Spouse is employed as a Senior Product Marketing Manager for Ring Central.

No incompatible officers or apparent conflicts of interest are disclosed.

LaToya Fernandez: Applicant resides in District 3, and submitted the application on August 28, 2017. Applicant is the founder of Queenhype, a non-profit. Applicant's spouse is employed at Rocketship Education.

No incompatible officers or apparent conflicts of interest are disclosed.

Miriam “Mimi” Hernandez: Applicant resides in District 3, and submitted the application on March 3, 2018. Applicant is employed with Enterprise Foundation as an Education Coordinator.

No incompatible officers or apparent conflicts of interest are disclosed.

Juan Ibanez: Applicant resides in District 5, and submitted the application on February 1, 2018. Applicant is employed with Patelco Credit Union. Applicant’s spouse is employed with Akins Collision Center in San José.

No incompatible officers or apparent conflicts of interest are disclosed.

Jennifer Imhoff-Dousharm: Applicant resides in District 5, and submitted the application on March 28, 2017. Applicant does not list an occupation. Applicant’s spouse is employed with Urban Airship in San Francisco as its Chief Information Security Officer.

Applicant serves as an officer for “Vegas 2.0” and “dc408.” It is possible that the Commission could consider an issue that may come within the purview of her leadership roles in these groups, presenting an actual conflict or appearance of bias. In such a case, Applicant may need to recuse herself from taking part in the Commission’s decision on that matter.

Otherwise, no incompatible officers or apparent conflicts of interest are disclosed.

Bruce McEvers: Applicant resides in District 5, and submitted the application on February 26, 2018. Applicant is an R&D Engineer for Boston Scientific. Applicant’s spouse is employed with South Bay Regional Public Safety Training as an LMS Administrator.

No incompatible officers or apparent conflicts of interest are disclosed.

Eric Truong: Applicant resides in District 5, and submitted the application on April 15, 2017. Applicant does not list an occupation. Applicant is currently a student at San Jose State University, according to the attached résumé to the application.

In his résumé, Applicant states he is the Founder and President of Clean San Jose at San Jose State University. It is possible that the Commission could consider an issue that may come within the purview of this leadership role, presenting an actual conflict or

appearance of bias. In such a case, Applicant may need to recuse himself from taking part in the Commission's decision on that matter.

Otherwise, no incompatible officers or apparent conflicts of interest are disclosed.

Andrew Tubbs: Applicant resides in District 3, and submitted the application on September 14, 2017. Applicant is employed by Congregation Sinai. Applicant's spouse is employed as a Technical Manager for Experis in Campbell.

Applicant is the President of the Delmas Park Neighborhood Action Coalition. It is possible that the Commission could consider an issue that may come within the purview of the leadership role in this neighborhood organization, presenting an actual conflict or appearance of bias. In such a case, he may need to recuse himself from taking part in the Commission's decision on that matter.

Otherwise, no incompatible officers or apparent conflicts of interest are disclosed.

CANDIDATES FOR COUNCIL DISTRICT 7

Jonathan Fleming: Applicant resides in Council District 7, and submitted the application on March 2, 2018. Applicant is self-employed as an Engineer/Investor/Parent. Applicant's spouse is a registered nurse at El Camino Hospital.

Applicant is currently a Neighborhood Commissioner for District 7. He is also the President of the District 7 Leadership Group and Founder of Senter Monterey Neighborhood Association. It is possible that the Commission could consider an issue that may come within the purview of his leadership role in these groups, presenting an actual conflict or appearance of bias. In such a case, Applicant may need to recuse himself from taking part in the Commission's decision on that matter.

Otherwise, no incompatible officers or apparent conflicts of interest are disclosed.

Juan Quinones: Applicant resides in District 7, and submitted the application on January 15, 2018. Applicant is employed with the Silicon Valley Leadership Group as an Executive Assistant.

Applicant also serves on the Santa Clara County Child Abuse Council, but does not identify any leadership role. If Applicant has such a role, it is possible that the

Commission could consider an issue that may come within the purview of the leadership role in this Council, presenting an actual conflict or appearance of bias. In this instance, Applicant may need to recuse himself from taking part in a Commission decision if the organization were to come before the Commission.

Otherwise, no incompatible officers or apparent conflicts of interest are disclosed.

Bruce Sullivan: Applicant resides in District 7, and submitted the application on July 27, 2017. Applicant is employed as the President of Structural Hardware and Supply, Inc. Applicant's spouse is employed with Home Care Assistance, Inc. in Sunnyvale as a Care Giver.

Applicant is also a member of the McLaughlin Corridor Neighborhood Association (MCNA) and the Senter Monterey Neighborhood Association (SMNA). Applicant does not identify any leadership role in these neighborhood associations, but if he has such a role, it is possible that the Commission could consider an issue that may come within the purview of the leadership role in this Council, presenting an actual conflict or appearance of bias. In this instance, Applicant may need to recuse himself from taking part in a Commission decision if the organization were to come before the Commission.

Otherwise, no incompatible officers or apparent conflicts of interest are disclosed.

Jonathan Velasquez: Applicant resides in District 7, and submitted the application on January 11, 2018. In Applicant's résumé, attached to the application, Applicant represents that he is employed as a Recreational Leader for San José Parks, Recreation, and Neighborhood Services. However, Applicant has since terminated his employment with the City of San José. Accordingly, any issue under Council Policy 0-4, Section I, B has been resolved.

Applicant is also employed with First 5 Kids Santa Clara County as a Program Specialist and serves as the President of the Seven Trees Neighborhood Association. It is possible that the Commission could consider an issue that may come within the purview of the leadership role in this community organization, presenting an actual conflict or appearance of bias. In such a case, he may need to recuse himself from taking part in the Commission's decision on that matter.

Otherwise, no incompatible officers or apparent conflicts of interest are disclosed.

CANDIDATES FOR COUNCIL DISTRICT 9

Cheryl Barker: Applicant resides in District 9, and submitted the application on March 2, 2018. Applicant is employed with Sanmina as the Director of Global Accounts.

Applicant is also a member of the Junior League of San Jose and appears to be a Board Member of the Silicon Valley Pet Project. It is possible that the Commission could consider an issue that that may come within the purview of the leadership role, if any, in these groups, presenting an actual conflict or appearance of bias. In such a case, Applicant may need to recuse themselves from taking part in the Commission's decision on that matter.

Otherwise, no incompatible officers or apparent conflicts of interest are disclosed.

Robert "Bob" Bures: Applicant resides in District 9, and submitted the application on March 3, 2018. Applicant is employed as COO/Consultant of BitMover, Inc. Applicant's spouse is retired.

Applicant is a member of Friends of Cambrian Park Plaza. It is possible that the Commission could consider an issue that that may come within the purview of his role in this Neighborhood Association, presenting an actual conflict or appearance of bias. In such a case, Applicant may need to recuse himself from taking part in the Commission's decision on that matter.

Otherwise, no incompatible officers or apparent conflicts of interest are disclosed.

Richard Cappadona: Applicant resides in District 9 and submitted the application on March 9, 2017. Applicant is a Director of Sales at Dtex Systems and Applicant's Spouse is an Account Executive with Sierra Pacific Mortgage.

No incompatible officers or apparent conflicts of interest are disclosed.

James L. Cantore: Applicant resides in District 9, and submitted the application on February 2, 2018. Applicant is employed as the President and Chief Analyst of JLC Associate.

No incompatible officers or apparent conflicts of interest are disclosed.

Cara Cassidy: Applicant resides in District 9, and submitted the application on March 4, 2018. Applicant and Applicant's spouse own Vortex Physical Therapy and Balance.

No incompatible officers or apparent conflicts of interest are disclosed.

Terry Martin: Applicant resides in District 9, and submitted the application on March 2, 2018. Applicant is an architect and owns Terry J. Martin Associates. Applicant's spouse is employed by Corelogic as a Review Appraiser.

Applicant has been a District 9 Commissioner since 2014. Applicant is also involved in the Kiwanis Club and appears to be serving in a leadership role. It is possible that the Commission could consider an issue that that may come within the purview of his leadership role in the Kiwanis Club, presenting an actual conflict or appearance of bias. In such a case, Applicant may need to recuse themselves from taking part in the Commission's decision on that matter.

Otherwise, no incompatible officers or apparent conflicts of interest are disclosed.

Michael Young: Applicant resides in District 9, and submitted the application on February 27, 2018. Applicant and his spouse are retired. Applicant is also a current Neighborhood Commissioner for District 9.

No incompatible officers or apparent conflicts of interest are disclosed.

CONCLUSION

The Council may wish to consider the above comments in making appointments to the Neighborhoods Commission. At this time, applicants do not appear to have any disclosed incompatible offices or conflicts that would prevent serving on the Commission.

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