

Memorandum

TO: HONORABLE MAYOR AND CITY
COUNCIL

FROM: Richard Doyle
City Attorney

SUBJECT: Conflicts Review –
Arts Commission Applicants

DATE: November 6, 2018

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 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 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

Applications listed below were reviewed by our office. No application discloses 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 their application.

Alayne Yellum — Ms. Yellum's application indicates she is an artist and her spouse is a teacher for the East Side Union High School District. The application indicates she is a volunteer at the San Jose Museum of Art as a procedural advisor and newsletter editor. Her application discloses neither incompatible offices nor apparent conflicts of interest.

Danielle Wells — Ms. Wells' application indicates she is employed by De Anza College as Executive Assistant to the President. The application indicates no spouse. Ms. Wells currently serves on the board of Peninsula Cantare, a non-profit. The application discloses neither incompatible offices nor apparent conflicts of interest.

Ramiro Torres — Mr. Torres' application indicates he is the Founding Principal of TOPA Architecture, and his spouse is the Financial Controller of Artik Art and Architecture. He is a member of the Diocese of San Jose Building Committee. His application discloses neither incompatible offices nor apparent conflicts of interest.

Divya Sundaram — Ms. Sundaram's application indicates she is an IT Program Manager at Cisco Systems, and her spouse is a product manager for Walmart.com. Ms. Sundaram's application indicates that she is a Board member of a non-profit called Yuvabarathi.org, and a part of a Dance Organization Board. Her application discloses neither incompatible offices nor apparent conflicts of interest.

Robert Stromberg — Mr. Stromberg's application indicates he is employed by Destination: Home as a Project Manager. The application indicates his spouse is employed by Kiva as a Lead, San Jose and Peninsula. He is member of the Board of the Awesome Foundation as well as a volunteer with Bay Area International Link and LettuceBee Kids. The application discloses neither incompatible offices nor apparent conflicts of interest.

Stephanie Southwick — Ms. Southwick's application indicates she is the managing partner for Greenfield, Draa & Harrington, LLP. Her spouse is the Vice President of Sales and Marketing for Sutro Vision. She is a former Trustee and former attorney for Ballet San Jose. Her application discloses neither incompatible offices nor apparent conflicts of interest.

Kenneth Melin – Mr. Melin’s application indicates he is employed by Allied Fire Protection as a sprinkler fitter. The application discloses neither incompatible offices nor apparent conflicts of interest.

Gertrude Levy — Ms. Levy’s application indicates that both she and her spouse are retired. The application discloses neither incompatible offices nor apparent conflicts of interest.

Lindsey Leong — Ms. Leong’s application indicates she is a cashier at Sprouts Farmers Market and is the Host, Manager, and Promoter for HELLA Famous Productions. Her application discloses neither incompatible offices nor apparent conflicts of interest.

Pam Kelly — Ms. Kelly’s application indicates she is the Membership and Marketing Director for CreaTV San Jose. She is Board President of San Jose Dublin Sister City Program. Her application discloses neither incompatible offices nor apparent conflicts of interest.

Jonathan Ho — Mr. Ho’s application indicates he is a teacher and choir director with the East Side Union High School District. His application discloses neither incompatible offices nor apparent conflicts of interest.

Irving Chavira – Mr. Chavira’s application indicates he is employed by Just Lovely Training LLC as CFO/Graphic Designer. The application discloses neither incompatible offices nor apparent conflicts of interest.

John Callison – Mr. Callison’s application indicates he is employed by Symantec as a Sr. Manager Technology Sourcing. Mr. Callison currently serves on the Board of Owners of Marz Vodka and the Board of Directors of Over30cosplay. Otherwise, the application discloses neither incompatible offices nor apparent conflicts of interest.

Sunayanaa Bedi — Ms. Bedi’s application indicates she is an executive at SAIR LLC, and her spouse is a dentist. Her application discloses neither incompatible offices nor apparent conflicts of interest.


Juan Carlos Araujo – Mr. Araujo’s application indicates he is owner/director/curator of Empire Seven Studios. The application indicates his spouse is employed as Sr. Executive Associate at Cypress Semiconductor. The application discloses neither incompatible offices nor apparent conflicts of interest.

Sarah Adeel — Ms. Adeel’s application indicates she is San Jose and Peninsula Lead for Kiva in San Francisco. She is a Board member with LettuceBee Kids and American Pakistan Foundation, and on the Advisory Board for PakPac. Her application discloses neither incompatible offices nor apparent conflicts of interest.

CONCLUSION

None of the applicants 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 recommendations on appointments to the Commission.

RICHARD DOYLE
City Attorney

By: 
ARLENE SILVA
Deputy City Attorney

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