



Memorandum

TO: Honorable Mayor &
City Council

FROM: Toni J. Taber, CMC
City Clerk

SUBJECT: The Public Record
May 31 – June 6

DATE: June 12, 2019

ITEMS FILED FOR THE PUBLIC RECORD

Letters from Boards, Commissions, and Committees

Letters from the Public

1. Letter from Ryan Jasinsky and Martha O'Connell, received on June 4, 2019, regarding concerns about an interpretation of Council Policy 0-4.

Toni J. Taber, CMC
City Clerk

TJT/tt

May 15, 2019

TO: Mayor and Council

Ryan Jasinsky [REDACTED]

Martha O'Connell [REDACTED]

We are writing this letter as concerned citizens and are not using our titles.

We wish to bring to the attention of the Mayor and Council our concerns about an interpretation of Council Policy 0-4 which is seriously impacting the Mobilehome Park Residents Representative and the Representative for the Mobilehome Park Owners on the Housing and Community Development Commission.

Ryan Jasinsky represents the Mobilehome Park Owners on the Housing and Community Development Commission while Martha O'Connell holds the corresponding position for the Mobilehome Park residents. The City Council found in 2.08.2850 that those specific positions were in the public interest and the persons appointed to fill them were not required to recuse themselves "from participating in matters that may affect his or her financial interest."

We have been told that in order to talk to Park Owners and Park residents in our official positions as their representatives, we must first get permission from the HCDC and then speak only "on behalf of the Commission." (0-4 Section IV; Code of Conduct A, 1, (c).) We had such permission for a limited time but were then told that the City Clerk was revising Council Policy 0-4 and so no extension would be given to us.

In the meantime, two HCDC Commissioners have spoken to the media and taken a public position on the matter of taxing vacant buildings, using their titles. No advance notice was given or permission granted for them to do this.

When we subsequently raised the issue of being able to communicate with our constituents using our titles, we were advised in writing on 5-10-19 by Housing, "I just checked and our attorneys have not gotten word about any changes moving

forward on 0-4 at this time. So your outreach would still need to get authorized by HCDC about particular issues." (Our emphasis added.)

A later email on 5-11-19 further stated to us, "As we did before, we can do an authorization for you both to use your titles to discuss defined topics for several months - 6?"

The problem with this is obvious. There is absolutely no way for us to be able to predict what issues may come up. If we ask for permission to talk to our constituents about Issue A, B, and C, and in the meantime Issue D comes up, we are barred from discussing it with Park Owners and Park residents in our capacities as their official representatives. Furthermore Housing does not wish this authorization item to be on the HCDC agenda monthly, as a place holder, in case we need to ask for "permission" to talk about Issue D.

We urge the Mayor and Council to take action that will allow us to fulfill our functions per 2.08.2850 and to truly represent our constituents through the Housing Commission. A copy of the relevant section of 2.08.2850 has been attached for your convenience.

2.08.2850 - Representative membership.

The council of the City of San José finds and declares as follows:

- A. The council of the City of San José finds and declares that the members appointed to the commission to represent the interests of various groups in matters related to administration of the mobilehome rent ordinance are intended to represent and further the interest of such groups, and such representation is intended to and will serve the public interest.
- B. The mobilehome park owner appointed to the commission pursuant to Section 2.08.2830 is intended to represent and further the interest of the San José mobilehome park industry, and their representation will ultimately serve the public interest. Accordingly, the council finds that for the purposes of the mobilehome park owner who serves on the commission, the San José mobilehome park industry is tantamount to and constitutes the public generally within the meaning of California Government Code Section 87103. As such, the appointed member is not required to recuse himself or herself from participating in matters that may affect his or her financial interest related to being a representative of the mobilehome park industry.
- C. The mobilehome park resident appointed to the commission pursuant to Section 2.08.2830 is intended to represent and further the interest of the San José mobilehome park residential community and their representation will ultimately serve the public interest. Accordingly, the council finds that for purposes of the mobilehome park resident who serves on the commission, the San José mobilehome park residential community is tantamount to and constitutes the public generally within the meaning of California Government Code Section 87103. As such, the appointed member is not required to recuse himself or herself from participating in matters that may affect his or her financial interest as a representative of the mobile home park residential community.
- D. The owner or manager of residential rent stabilized rental unit(s) appointed to the commission pursuant to Section 2.08.2820 is intended to represent and further the interest of San José residential rent stabilized rental property owners, and their representation will ultimately serve the public interest. Accordingly, the council finds that for the purposes of the owner or manager