

# *Memorandum*

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Richard Doyle  
City Attorney

**SUBJECT: LIBRARY AND EARLY  
EDUCATION COMMISSION  
APPLICANTS**

**DATE:** September 9, 2019

## **BACKGROUND**

This Office routinely reviews applications to City boards and commissions. The applications generally do not provide complete information; however, they do occasionally disclose potential conflicts of interest or incompatible offices. The purpose of this memorandum is to highlight major areas of potential conflict which are disclosed by the applications.

## **COMMISSION DUTIES**

In order to analyze potential conflicts, it is necessary to consider the duties of the particular commission for which the applicant is seeking appointment. Of the Library and Early Education fifteen-member Commission, at least four members of the Commission shall have a background in early education or child care matters. The Library and Early Education Commission is an advisory body which makes recommendations to the Mayor and City Council, City Manager, and the Director of Library Services respecting existing and proposed library facilities, the utilization of such facilities, their use and operation, the extent and nature of library services to be rendered to the public, the financing of libraries and of their operations and services, and other matters respecting the library system. The Commission will also study, evaluate, review and provide advice to the Council, the City Manager, the City Librarian, and other department heads designated by the City Manager on all matters and issues related to early education and child care.

## **APPLICANTS**

The application from the applicant listed below was reviewed by our office. This review was limited to the information provided on the application and was not intended to be comprehensive investigation of potential conflicts involving the applicant. Unless otherwise indicated, no application discloses incompatible offices or apparent conflicts of interest that would substantially impair the functioning of the 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 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 (“PRA”).
- 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, however 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.

### **LEGAL REVIEW OF APPLICANTS**


Set forth below is the applicant and any apparent legal conflicts of interest and/or appearance of bias related to entities that are likely to come before the commission in some manner, as identified on the application.

**Pravir Ramtekkar** – Mr. Ramtekkar’s application indicates he is the Director of Product Management for Symphony Communications in Palo Alto and that his spouse is a dentist in San Jose. The application discloses no incompatible offices or apparent conflicts of interest.

**CONCLUSION**

The applicant does not appear to hold any incompatible office or have any apparent conflicts that would prevent him from serving on the Library and Early Education Commission based upon the application submitted. Some of the applicants may be precluded from participating in matters involving their employer or the entities of which they are officers or members. Where this may be the case, they must abstain from participating in that Library and Early Education Commission agenda matter. The City Council may wish to consider the above comments in making its 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