

Memorandum

TO: HONORABLE MAYOR AND CITY
COUNCIL

FROM: Richard Doyle
City Attorney

SUBJECT: Measure T Community
Oversight Committee Applicants

DATE: November 25, 2019

BACKGROUND

This Office routinely reviews applications to City Boards, Commissions and Committees. The applications 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 that are disclosed by the applications for the Measure T Community Oversight Committee. In order to analyze potential conflicts, it is necessary to consider the duties of the particular commission or committee to which the applicant is seeking appointment.

COMMITTEE DUTIES

The Measure T Community Oversight Committee ("Measure T Committee") was established pursuant to Resolution No. 79165 that the City Council adopted on June 18, 2019. Per Resolution No. 79165, the Measure T Committee is required to meet once each year and has the following responsibilities:

1. Review the expenditure of the proceeds of Measure T Bonds to ascertain consistency with the voter approved purposes for the funds;
2. In connection with the review of expenditures of Measure T Bonds, review and forward to the City Council the City Auditor's separate audit of the proceeds of the Measure T Bonds as well as the Director of Finance's annual report on the amount of Measure T Bonds issued and the amount of ad valorem tax collected for each prior fiscal year ending June 30th; and
3. Review the status of projects funded with the proceeds of Measure T Bonds and forward a status report on the pending Measure T projects to the City Council.

COMMITTEE MEMBERSHIP

The Measure T Committee is to be comprised of fifteen members, with each member nominated pursuant to the process set forth in San José Municipal Code 2.08.180, as may be amended. Each Councilmember recommends one Committee member who is a resident of the district of the nominating Council Office. The Mayor recommends five members as citywide representatives, with each member possessing subject matter expertise in one of the following fields: public safety, environmental issues, labor, business, and finance or accounting. Each of the nominations shall be considered by the full Council for formal appointment. Nominees must be residents of San José. Subject matter expertise in the fields of emergency and disaster response, public safety, finance, and/or transportation is highly desirable.

APPLICANTS

Roberto Alvarez – Mr. Alvarez resides in District 8. His application discloses that he is employed by Voices College Bound Language Academies as a parent organizer. His spouse is employed by KIPP Heartwood Academy as a math teacher. His application discloses neither incompatible offices nor apparent conflicts of interest.

Enrique Arguello – Mr. Arguello resides in District 5. His application discloses that he is employed as the Business Manager/CEO of the LIUNA Laborers Union Local 270. The spouse portion of his application is marked “none.” His application discloses neither incompatible offices nor apparent conflicts of interest.

Carolyn Bauer – Ms. Bauer resides in District 2. Her application discloses that she is employed by the TSA as a Lead Transportation Security Officer and that her spouse is employed by CustomSpace as a General Manager. Her application discloses neither incompatible offices nor apparent conflicts of interest.

Arjun Batra – Mr. Batra resides in District 10. His application discloses that he retired from Intel Corporation and that he receives a pension from Dow Chemical of Canada directly and from Manulife on behalf of Dow Chemical of Canada. His spouse is employed by Metropolitan Education District as an instructor. Mr. Batra’s work experience at Intel Corporation and IBM included managing the development of advanced technologies. He currently serves on the City Manager’s Smart City Advisory Board. His application discloses neither incompatible offices nor apparent conflicts of interest.

Dan Bozzuto – Mr. Bozzuto resides in District 10. His application discloses that he is employed as the Chief Executive Officer of Bozzuto Insurance Services. The spouse portion of his application is marked “none.” His application discloses neither incompatible offices nor apparent conflicts of interest.

Gary Cunningham – Mr. Cunningham resides in District 1. His application discloses that he is retired and that he receives a pension from Northrop Grumman Corporation. The spouse portion of his application is marked “N/A.” Mr. Cunningham currently serves on the Neighborhoods Commission. The City’s “Consolidated Policy Governing Boards and Commissions” in City Council Policy 0-4 prohibits commissioners from serving on more than one commission and provides that if a current commissioner is appointed to a second commission, the commissioner is deemed to have resigned from the first commission. However, this prohibition does not apply to the appointment to the Measure T Committee as City Council Policy 0-4, by its terms, only applies to commissions established by the City Charter and the San José Municipal Code. Mr. Cunningham’s application discloses neither incompatible offices nor apparent conflicts of interest.

Marie Curtis – Ms. Curtis resides in District 8. Her application discloses that she does not have current employment and her spouse is employed by Toyota Research Institute. Her application discloses neither incompatible offices nor apparent conflicts of interest.

Craige Edgerton – Mr. Edgerton resides in District 2. His application discloses that he is self-employed as a land manager consultant and his spouse is retired. His application discloses neither incompatible offices nor apparent conflicts of interest.

Rich Giammona – Mr. Giammona resides in District 10. His application discloses that he is employed by San José Unified School District as a substitute teacher and that his spouse is employed by Bay Area Kids Dentist in marketing. His application also discloses that he is a member of the oversight citizens’ committee established for the Santa Clara Valley Transportation Authority’s Measure B. Mr. Giammona also currently serves on the Neighborhoods Commission. As discussed above in connection with Mr. Cunningham’s application, an applicant’s membership on a City board or commission does not preclude appointment to the Measure T Committee and maintaining his or membership on a City commission.

Sean Kaldor – Mr. Kaldor resides in District 6. His application discloses that he is employed by the City as a Fire Captain and that he is unmarried. City Council Policy 0-4 prohibits City employees from serving on City commissions unless expressly required. However, as discussed above, City Council Policy 0-4, by its terms, only applies to commissions established by the City Charter and the San José Municipal Code. Accordingly, appointment of a City employee to the Measure T Committee is not prohibited. Mr. Kaldor’s application discloses neither incompatible offices nor apparent conflicts of interest.

Jeff Levine – Mr. Levine resides in District 3. His application discloses that both he and his spouse are retired. Mr. Levine previously worked for FMC and as a civilian

employee of the California Highway Patrol. His application discloses neither incompatible offices nor apparent conflicts of interest.

Jerry Magana – This applicant resides in District 3. The applicant's application discloses that he or she is a stay-at-home parent and that the applicant's spouse is employed as an Assistant Vice-President of Admissions by Palo Alto University. His or her application discloses neither incompatible offices nor apparent conflicts of interest.

Aslan Pishdad – Mr. Pishdad resides in District 10. He is a partner in ACV Partnership. The spouse portion of his application is marked "none." His application discloses neither incompatible offices nor apparent conflicts of interest.

Will Smith – Mr. Smith resides in District 7. His application discloses that he is employed as a business representative with IBEW 332. The spouse portion of his application is marked "none." His application discloses neither incompatible offices nor apparent conflicts of interest.

Keanu Spindola – Mr. Spindola resides in District 9. His application discloses that he is a partner with his father in Spindola Construction. The spouse portion of his application is marked "N/A." His application discloses neither incompatible offices nor apparent conflicts of interest.

Jai Srinivasan – Mr. Srinivasan resides in District 4. He is employed by FLEX as an analyst in business applications. His spouse is self-employed as a dentist. Mr. Srinivasan's application discloses neither incompatible offices nor apparent conflicts of interest.

Kat Wilson – Ms. Wilson resides in District 9. Her application discloses that she retired as a fire captain from the Santa Clara County Fire Department and that her spouse is employed as an electrician by Sprig Electric. Her application discloses neither incompatible offices nor apparent conflicts of interest.

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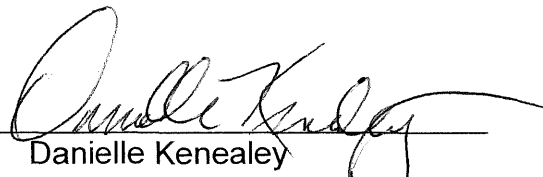
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CONCLUSION

None of the applicants appear to hold any incompatible offices or to have conflicts of interest that would preclude them from serving on the Measure T Committee. Each applicant states that he or she resides in San José. The City Council may wish to consider the above comments in considering appointments to the Measure T Committee.

RICHARD DOYLE

City Attorney

By 
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cc: David Sykes, City Manager
Toni Taber, City Clerk