

# *Memorandum*

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Richard Doyle  
City Attorney

**SUBJECT:** Conflicts Review –  
Arts Commission Applicant

**DATE:** September 23, 2019

## **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**

The application 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 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 Arts Commission in some manner, as identified on the application.

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**Subject: Arts Commission Applicant**

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**Juan Carlos Araujo** — Mr. Araujo's application indicates he is the owner/director/curator of Empire Seven Studios in San Jose and his spouse is employed by Cypress Semiconductor as a Sr. Executive Associate. The application discloses neither incompatible offices nor apparent conflicts of interest.

As part of the Commission duties, it is possible it would consider matters involving policies, facilities, financing and services of community arts organizations and venues that Mr. Araujo may be involved as a matter of his employment or personal activities outside Commission duties. In such cases, Mr. Araujo may need to disqualify himself from taking part in the Commission's decision on that matter.

**CONCLUSION**

The applicant does not 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

# *Memorandum*

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Richard Doyle  
City Attorney

**SUBJECT:** HUMAN SERVICES  
COMMISSION APPLICANTS

**DATE:** November 14, 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**

The Human Services Commission was formed to study, review and evaluate, and make recommendations to the City Council regarding programs and matters affecting human rights. The membership of the Commission is to be representative of the entire community and is to be comprised of persons with human rights concerns. At least one (1) member of the Commission is required to be a disability service provider or representative of the disabled community. At least one (1) other Commissioner is required to be a domestic violence service provider or survivor.

## **APPLICANTS**

Applications from the applicants listed below were reviewed by our office. This review was limited to the information provided on the applications and was not intended to be comprehensive investigation of potential conflicts involving the applicants. 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,
- 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 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 Commission in some manner, as identified in their applications.

**Bill Strahm** – Mr. Strahm’s application indicates he is employed as a SAE at Xilinx. The application does not indicate a spouse. His application discloses neither incompatible offices nor apparent conflicts of interest.

**Keanu Spindola** — Mr. Spindola’s application indicates he is employed at Spindola Construction as a Business developer. The application does not indicate a spouse. His application discloses neither incompatible offices nor apparent conflicts of interest.

**Aslan Pishdad** — Mr. Pishdad’s application indicates he is a partner at ACV Partnership. The application does not indicate a spouse. His application discloses neither incompatible offices nor apparent conflicts of interest.

**Cherise Orange** — Ms. Orange's application indicates she is employed by the County of Santa Clara as an Associate Planner. The application does not indicate a spouse. The application indicates she is Chair of the Board for the African American Community Service Agency in San Jose. If Ms. Orange is appointed to the Commission, there could be a conflict of interest necessitating recusal of Ms. Orange, or potentially of the Commission, if an item comes before the Commission that involves the County of Santa Clara or the African American Community Service Agency. Other than that, her application discloses neither incompatible offices nor apparent conflicts of interest.

**Tracy Jacobs** — Ms. Jacobs' application indicates she is a retired from the City of San Jose where she was employed as a receptionist. The application does not indicate a spouse. The application discloses neither incompatible offices nor apparent conflicts of interest.

**Desiree Grahn, Ph.D.** — Ms. Grahn's application indicates that she is an Office Manager at Agylstor Inc. The application does not indicate a spouse. Her application discloses neither incompatible offices nor apparent conflicts of interest.

**Ronnel Corre** — Mr. Corre's application indicates that he is an Intensive Case Manager at Health Trust. The application does not indicate a spouse. His application discloses neither incompatible offices nor apparent conflicts of interest.

**Crystal Cisneros-Villa** — Ms. Cisneros-Villas' application indicates that she is a self-employed freelance photographer and artist. The application does not indicate a spouse. Her application discloses neither incompatible offices nor apparent conflicts of interest.

**Garry Cheney** — Mr. Cheney's application indicates that he is a self-employed Independent Representative. The application does not indicate a spouse. His application discloses neither incompatible offices nor apparent conflicts of interest.

**Eric M. Chávez** — Mr. Chávez's application indicates that he is a Jr. Communications Specialist, USAID Education in Crisis and Conflict Network (ECCN) at the Education Development Center (EDC). The application does not indicate a spouse. The application indicates that Mr. Chávez is affiliated with GK Consulting as a Social Research Project Assistant and is also an Interim Director of Operations and Communications at ECOPA: Intersections for Sustainable Living. His application discloses neither incompatible offices nor apparent conflicts of interest.


**Mohua Chatterjee** — Ms. Chatterjee's application indicates she is not employed, and her spouse is employed by Snaproute as a software engineer. Her application discloses neither incompatible offices nor apparent conflicts of interest.

**Roberto Alvarez** — Mr. Alvarez's application indicates that he is a Parent Organizer at Voices College Bound Language Academies and his wife works at KIPP Heartwood Academy as an 8th Grade Math Teacher. His application discloses neither incompatible offices nor apparent conflicts of interest

**CONCLUSION**

The applicants do not appear to have any incompatible offices or pervasive conflicts which would prevent them from serving on the Commission; although one applicant may be precluded from participating in matters involving an entity on which she serves as a board member or on matters involving her employer. You may wish to consider the above comments in appointing the applicants to serve on the Human Services Commission.

RICHARD DOYLE  
City Attorney

By:   
Terra Chaffee  
Senior Deputy City Attorney

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

# *Memorandum*

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Richard Doyle  
City Attorney

**SUBJECT:** Appointments to the Clean  
Energy Community Advisory  
Commission

**DATE:** November 4, 2019

## **I. BACKGROUND**

This Office routinely reviews applications for appointment 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 known potential conflicts that are disclosed by the applications.

## **II. COMMISSION DUTIES**

The commission has the following functions, powers and duties:

- A. Advise and make recommendations to the City Council, the City Manager and the Director of Community Energy on all aspects of San Jose clean Energy start up and operations.
- B. Provide feedback and input on the development of clean energy program strategy and operating principles or models.
- C. Inform the prioritization and development of energy programs.
- D. Identify areas of concern and innovative opportunities for reducing carbon emissions.
- E. Monitor best practices of other community choice energy programs, legislative and regulatory issues, and new energy developments.
- F. Be liaisons to the community for purpose of advocacy and outreach.

## **III. COMMISSIONS COMPOSITION**

This is a nine-member commission that will support and advise San Jose Clean Energy. The Council Appointment Advisory Commission will nominate six members and the Mayor will nominate an additional three members. The City Council must approve all members.



#### **IV. 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.
- 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.

#### **V. 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 from bias in their decision making and may require a commissioner to recuse him/herself if the facts could reasonably lead one to conclude that the applicant would be biased for or against an entity or entities.

#### **VI. APPLICANTS**

1. Richard Zahner: This applicant indicates that he is a retired energy industry consultant. Mr. Zahner indicates that his spouse is retired. Mr. Zahner's application does not identify or disclose information that would create an incompatible office or an apparent conflict of interest.
2. David Trindade. Is self-employed at STAT-TECH a statistical consulting and training company. He also works part-time as an Adjunct Lecturer at Santa Clara University. Mr. Trindade invests in companies involved in late harvest power and energy. Mr. Trindade indicates that his spouse is retired. Mr. Trindade's application does not identify or disclose incompatible offices or apparent conflicts of interest; however, his investments may require him to recuse himself from certain actions of the Commission related to his power and energy investment entities.
3. Reza Sadehgian: This applicant is self-employed as a consultant which includes advising a solar installation public benefit company. The applicant does not

identify a spouse. The applicant's application does not identify or disclose incompatible offices or apparent conflicts of interest; however, he may have to recuse himself from certain actions of the Commission related to the solar installation public benefit company.

4. Arthur Kulakow: Mr. Kulakow is a principal engineer with Automation Anywhere. His spouse is employed with Stanford Health Care. Mr. Kulakow's application does not identify or disclose information that would create an incompatible office or an apparent conflict of interest.
5. Cynthia-may Gong. Ms. Gong is a systems engineer with Varian Medical Systems. Her spouse is an engineer employed with Akamai Technologies. Ms. Gong's application does not identify or disclose information that would create an incompatible office or an apparent conflict of interest.
6. Breton Fraboni. The applicant is a corporate paralegal for Cooley LLC. The applicant does not identify a spouse. The applicant's application does not identify or disclose incompatible offices or apparent conflicts of interest.

## VII. CONCLUSION

None of these applicants have any incompatible offices that would preclude them from serving on the Clean Energy Community Advisory Commission. The Council may wish to consider the comments above regarding potential conflicts in making its appointments to this Commission.

RICHARD DOYLE

City Attorney

By

Ed Moran

Assistant City Attorney

cc: Dave Sykes, City Manager  
Toni J. Tabor, CMC, City Clerk

# *Memorandum*

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Richard Doyle  
City Attorney

**SUBJECT:** Appointments to the Clean  
Energy Community Advisory  
Commission

**DATE:** December 9, 2019

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## **I. BACKGROUND**

This Office routinely reviews applications for appointment 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 known potential conflicts that are disclosed by the applications.

## **II. COMMISSION DUTIES**

The commission has the following functions, powers and duties:

- A. Advise and make recommendations to the City Council, the City Manager and the Director of Community Energy on all aspects of San Jose clean Energy start up and operations.
- B. Provide feedback and input on the development of clean energy program strategy and operating principles or models.
- C. Inform the prioritization and development of energy programs.
- D. Identify areas of concern and innovative opportunities for reducing carbon emissions.
- E. Monitor best practices of other community choice energy programs, legislative and regulatory issues, and new energy developments.
- F. Be liaisons to the community for purpose of advocacy and outreach.

## **III. COMMISSIONS COMPOSITION**

This is a nine-member commission that will support and advise San Jose Clean Energy. The Council Appointment Advisory Commission will nominate six members and the Mayor will nominate an additional three members. The City Council must approve all members.

#### **IV. 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.
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- 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.

#### **V. 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 from bias in their decision making and may require a commissioner to recuse him/herself if the facts could reasonably lead one to conclude that the applicant would be biased for or against an entity or entities.

#### **VI. APPLICANTS**

1. Alex Caraballo: This applicant indicates that he is employed by the International Brotherhood of Electrical Workers Local Union 332. The applicant’s spouse is employed as a EEG tech for Washington Hospital. The application does not identify or disclose information that would create an incompatible office or an apparent conflict of interest. However, should a matter regarding the applicant’s employer come before the Commission the applicant may need to refrain from participating in the matter.

#### **VII. CONCLUSION**

The applicant’s application does not identify or disclose information that would preclude the applicant from serving on the Clean Energy Community Advisory Commission.

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RE: Appointments to the Clean Energy Community Advisory Commission

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The Council may wish to consider the comments above regarding potential conflicts in making its appointments to this Commission.

RICHARD DOYLE

City Attorney

By 

Ed Moran

Assistant City Attorney

cc: Dave Sykes, City Manager  
Toni J. Tabor, CMC, City Clerk

# *Memorandum*

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Richard Doyle  
City Attorney

**SUBJECT: HUMAN SERVICES  
COMMISSION APPLICANTS**

**DATE:** December 11, 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**

The Human Services Commission was formed to study, review and evaluate, and make recommendations to the City Council regarding programs and matters affecting human rights. The membership of the Commission is to be representative of the entire community and is to be comprised of persons with human rights concerns. At least one (1) member of the Commission is required to be a disability service provider or representative of the disabled community. At least one (1) other Commissioner is required to be a domestic violence service provider or survivor.

## **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,
- 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 APPLICANT**

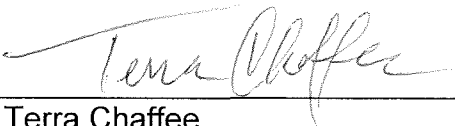
Set forth below is the applicant and any apparent legal conflicts of interest and/or appearance of bias related to entities that are likely to come before the Commission in some manner, as identified in her application.

**Enangeline Sangalang** – Ms. Sangalang's application indicates that she is not employed. Her application does not indicate a spouse. Ms. Sangalang's application indicates that she is, or has been, affiliated with CA State Long Term Care Program, County Health Advisory, County Advisory Council for Sourcewise/ IHSS, Bayanihan FilAm Foundation, In Their Shoes, and Blue Star Moms. Her application discloses neither incompatible offices nor apparent conflicts of interest.

### **CONCLUSION**

The applicant does not appear to have any incompatible offices or pervasive conflicts which would prevent her from serving on the Commission. You may wish to consider the above comments in appointing the applicants to serve on the Human Services Commission.

RICHARD DOYLE  
City Attorney

By:   
Terra Chaffee  
Deputy City Attorney

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



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Richard Doyle  
City Attorney

**SUBJECT:** Measure T Community  
Oversight Committee Applicants

**DATE:** December 11, 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 30<sup>th</sup>; 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.



December 11, 2019

**Subject: Measure T Community Oversight Committee Applicants**

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### **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**


**Nicolas Cochran** – Mr. Cochran resides in District 6. He is employed by American Investors Company as Vice-President. His spouse, from whom he is separated, is employed as a real estate broker by MacBride Realty in Santa Rosa, California. Mr. Cochran's application discloses neither incompatible offices nor apparent conflicts of interest.

### **CONCLUSION**

Mr. Cochran resides in San José and does not appear to hold any incompatible offices or to have conflicts of interest that would preclude him from serving on the Measure T Committee. The City Council may wish to consider the above comments in considering the appointment to the Measure T Committee.

RICHARD DOYLE  
City Attorney

By

  
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Danielle Kenealey  
Chief Deputy City Attorney

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