

Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Richard Doyle
City Attorney

SUBJECT: Parks and Recreation
Commission Applicants

DATE: April 13, 2020

BACKGROUND

This Office routinely reviews applications to City Boards and Commissions. The applications generally do not provide complete information regarding potential 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 comprehensive investigation of potential conflicts involving the applicants.

COMMISSION DUTIES

The Parks and Recreation Commission's duties include studies, reviews, evaluation, and making recommendations to the City Council regarding the City's Parks and Recreation programs. The Parks program includes the location, design, and maintenance of parks and other recreation facilities. The Recreation programs include adult sports and youth, senior and special population activities. If an applicant lives in proximity to the park or recreational facility, there may be occasions when he or she may have to abstain from participation in matters before the Commission that concern the particular facility. We have no way of evaluating this situation in advance – City staff would need to evaluate the location of the project and the commissioner's residence on a case-by-case basis.

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 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 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 APPLICANT

The application from the applicant listed below was reviewed by our office. Unless otherwise indicated, no application discloses incompatible offices or apparent conflicts of interest that would substantially impair the functioning of the commission.

Roberto Alvarez – Mr. Alvarez’s application indicates that he is employed as a Parent Organizer for Voices College Bound Language Academies. The application indicates that Mr. Alvarez’s spouse is employed by the KIPP Heartwood Academy as an 8th grade math teacher. Mr. Alvarez’s current application discloses neither incompatible offices nor apparent conflicts of interest.

John Callison – Mr. Callison’s application indicates that he is employed at Symantec as Senior Manager of Technology Sourcing. Mr. Callison’s current application discloses neither incompatible offices nor apparent conflicts of interest.

Garry Cheney – Mr. Cheney’s application indicates that he is self-employed as an independent representative. Mr. Cheney’s current application discloses neither incompatible offices nor apparent conflicts of interest.

Bretton Fraboni – Mr. Fraboni’s application indicates that he is employed with Cooley, LLP as a corporate paralegal. Mr. Fraboni’s current application discloses neither incompatible offices nor apparent conflicts of interest.

Marcus Foley – Mr. Foley’s application indicates he is employed as a research and development engineer by Auris Health in Redwood City. The application states that his spouse is a designer with Quotient Technology in Mountain View. Mr. Foley’s application discloses neither incompatible offices nor apparent conflicts of interest.

