

Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Nora Frimann
Acting City Attorney

**SUBJECT: HUMAN SERVICES
COMMISSION APPLICANTS**

DATE: August 19, 2020

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 including discrimination, equal employment opportunity policies and practices, and recommends courses of action regarding the City's equal opportunity and equal access efforts and its programs relating to City employment. 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, or
- 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.

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.

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. Mr. Cheney also indicates in another part of his application that he is employed in a marketing capacity with Calrima Financial Services and as a Manager/Independent Distributor with Send Out Cards. 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 Social Research Project Assistant with GK Consulting and is also an Interim Director of Operations and Communications at ECOPA: Intersections for Sustainable Living. The application does not indicate a spouse. His 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.

Katherine Reyes — Ms. Reyes' application indicates that she is a Management Analyst at the Santa Clara County Housing Authority. The application does not indicate a spouse. The application indicates she is Community Advocate and Board Member of Fools Mission in Redwood City, which does advocacy in the area of immigration rights and criminal justice around the Bay Area. If Ms. Reyes is appointed to the Commission, there could be a conflict of interest necessitating recusal of Ms. Reyes, or potentially of the Commission, if an item comes before the Commission that involves the Santa Clara County Housing Authority or Fools Mission. Other than that, her application discloses neither incompatible offices nor apparent conflicts of interest.

Chin Hang Leung — Ms. Leung's application indicates that she is a self-employed driver. The application does not indicate a spouse. Her application discloses neither incompatible offices nor apparent conflicts of interest.

Jonathon Fleming — Mr. Fleming's application indicates that he is a self-employed mechanical engineer and his wife works at El Camino Hospital as a registered nurse. His application discloses neither incompatible offices nor apparent conflicts of interest.

Katie Clark Alsadder — Ms. Alsadder's application indicates that she is Public Relations Manager at Apple. The application does not indicate a spouse. Her application discloses neither incompatible offices nor apparent conflicts of interest.

Myles Blodnick — Mr. Blodnick's application indicates that he is a Software Technical Program Manager at Zoox. The application does not indicate a spouse. His application discloses neither incompatible offices nor apparent conflicts of interest.

Michelle Jones Roberts — Ms. Jones Roberts' application indicates that she is an Employment Counselor at the County of Santa Clara County. The application does not indicate a spouse. If Ms. Jones Roberts is appointed to the Commission, there could be a conflict of interest necessitating recusal of Ms. Jones Roberts, or potentially of the Commission, if an item comes before the Commission that involves the County of Santa Clara. Other than that, her application discloses neither incompatible offices nor apparent conflicts of interest.

Samantha Lee — Ms. Lee's application indicates that she is a Social and Environmental Responsibility Specialist at Cisco. In the application she states that her position involves researching risks in human rights which guides policy development and strategy for her employer. The application does not indicate a spouse. If Ms. Lee is appointed to the Commission, there could be a conflict of interest necessitating recusal of Ms. Lee, or potentially of the Commission, if an item comes before the Commission that involves Cisco. Other than that, her application discloses neither incompatible offices nor apparent conflicts of interest.

Marcel Pajuelo-Schwartz — Mr. Pajuelo-Schwartz's application indicates that he is a retired. The application does not indicate a spouse. 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 three applicants may be precluded from participating in matters involving entities on which they serve as board members or on matters involving their employers. You may wish to consider the above comments in appointing the applicants to serve on the Human Services Commission.

HONORABLE MAYOR AND CITY COUNCIL

August 19, 2020

Subject: HUMAN SERVICES COMMISSION APPLICANTS

Page 5

NORA FRIMANN
Acting City Attorney

By: 

René Alejandro Ortega
Senior Deputy City Attorney

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