



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Nora Frimann
City Attorney

SUBJECT: Mayor's Appointments

DATE: 1/22/2021

BACKGROUND

On January 12, 2021, the Council approved a motion to return to Council on January 26 to discuss, amend, and approve appointments to the Boards, Commissions, Committees and assignments, as described in Exhibit B of the Mayor's Memorandum. Our office indicated that we would confirm whether there are appointments for which the Mayor has sole authority to appoint pursuant to statute, organization bylaws, or other governing documents, particularly for third party agencies.

ANALYSIS

The Mayor is self-appointed to, or has the sole authority to appoint to, the following seats to these Boards, Commissions or Committees pursuant to statute, organization bylaws, or other governing documents:

1. Director, League of California Cities¹
2. Chair, Mayor's Gang Prevention Task Force²
3. Director, Metropolitan Transportation Commission³
4. Ex-Oficio Nonvoting Member, San Jose Arena Authority⁴
5. Two Directors, San Jose Sports Authority⁵
6. Four Directors, Schools and City Collaborative⁶

¹ The Mayor appoints to the League of California Cities Board of Directors. However, the Council appoints the General Assembly Voting Delegate and up to two General Assembly Voting Delegate Alternates. The Council also appoints to the League of California Cities Women's Caucus representative. (2015 League of California Cities Board Bylaws, page 10, Article VII, Section 2(f); page 4, Article V, Section 3(a), *available at* <https://www.cacities.org/Resources-Documents/About-Us/Board-of-Directors/League-of-California-Cities-2010-Bylaws.aspx>).

² Since 1991, the Mayor has been self-appointed as Chair to the Mayor's Gang Prevention Taskforce. (1992 Mayor Susan Hammer's Gang Prevention Task Force, A Framework for Community Safety, Executive Summary, Page 9: The Inter-Agency Gang Prevention Model Chart).

³ The Mayor is self-appointed or shall appoint a Councilmember to the MTC Board. ([Cal. Govt. Code § 66503\(a\)](#)).

⁴ The Mayor appoints one ex-officio nonvoting member as the Mayor's representative who does not need to be a Councilmember. However, the Council appoints two Councilmembers as ex-officio nonvoting members. (June 2012 San Jose Arena Authority Bylaws, Article V(c)(2)).

⁵ The Mayor appoints two City members annually who are voting directors and not required to be Councilmembers. (Periodic Funding Agreements between the City and San Jose Sports Authority; *see, e.g., 2019 Agreement, Scope of Services Task 6(a)*).

CONCLUSION

The above list is an analysis of the appointments described in Exhibit B of the Mayor's Memorandum from the January 12, 2021 Council meeting.

NORA FRIMANN
City Attorney

By /s/ Neelam Naidu
Neelam Naidu
Sr. Deputy City Attorney

⁶ The Mayor is self-appointed and appoints three Councilmembers. ([Council Policy 0-30, page 8](#)).