

Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Nora Frimann
City Attorney

**SUBJECT: HUMAN SERVICES
COMMISSION APPLICANTS**

DATE: February 12, 2021

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 a 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.

Paul Soto — Mr. Soto's application indicates that he is employed at Conxion as an advocate. The application does not indicate a spouse. His application discloses neither incompatible offices nor apparent conflicts of interest.

Michellé 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.

Veronica Sosa — Ms. Sosa's application indicates that she is a Senior Finance Director at LinkedIn. The application does not indicate a spouse. Her application discloses neither incompatible offices nor apparent conflicts of interest.

Giovanna Erkanat — Ms. Erkanat's application indicates that she is a Management Analyst in the Library Department for the City of Palo Alto. The application does not indicate a spouse. Her application discloses neither incompatible offices nor apparent conflicts of interest.

Linda Nguyen — Ms. Nguyen's application indicates that she is a Management Analyst in the Office of Racial Equity, Diversity & Inclusion for the Santa Clara Valley Water District. The application does not indicate a spouse. If Ms. Nguyen is appointed to the Commission, there could be a conflict of interest necessitating recusal of Ms. Nguyen, or potentially of the Commission, if an item comes before the Commission that involves the Santa Clara Valley Water District. Other than that, her application discloses neither incompatible offices nor apparent conflicts of interest.

Kristen Brown — Ms. Brown's application indicates that she is currently unemployed and is a mother, student, and advocate. Her application indicates that her spouse is an Edge Operations Manager working for Apple, Inc. Ms. Brown indicates that she is Vice Chair for the Community Advisory Committee for Special Education for the San Jose Unified School District. There could be a conflict of interest if she is appointed to the Commission an item that involves the San Jose Unified School District comes before the Commission. Other than that, her application discloses neither incompatible offices nor apparent conflicts of interest.

Paul Feci — Mr. Feci's application indicates that he and his wife are retired. 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.

NORA FRIMANN
City Attorney

By: /s/ Terra Chaffee
Terra Chaffee
Senior Deputy City Attorney

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