

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: NORA FRIMANN
City Attorney

SUBJECT: Conflicts Review - Airport
Commission Applicants

DATE: October 29, 2025

BACKGROUND

This Office routinely reviews applications to City Boards and Commissions. 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. To analyze potential conflicts, it is necessary to consider the duties of the particular commission to which the applicant is seeking appointment.

COMMISSION DUTIES

Under the Municipal Code, the Airport Commission is an advisory body that makes recommendations to the Council and the Airport Department on matters on its workplan as approved by the Rules and Open Government Committee. The Airport Commission serves as an advisory body to the City Council and the Director of Aviation regarding Airport noise related issues and provides a public forum for Airport noise related issues, policies, and decisions. The Airport Commission is also responsible to monitor curfew intrusion information and reviews the City's Airport public information program and the City's Airport noise complaint procedures. The Commission also hears appeals of administrative citations issued by the Director of Aviation for violations of the City's Curfew Ordinance and appeals of revocations or denials of Airport permits.

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 that 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.

APPLICANTS

Julian Lake – Mr. Lake is a resident of District 3. He is currently employed at Bay Area Council as a Policy Director for Climate and Energy. He works directly with business leaders and policymakers to advance sustainable and affordable energy solutions, including working with airlines and airports. His application discloses neither incompatible offices nor apparent conflicts of interest.

Mitchell Ehrlich – Mr. Ehrlich is a resident of District 9. He is Managing Partner at Lonich Patton Ehrlich Policastri, LLP. His spouse works as a Financial Advisor at JP Morgan Chase. His application discloses neither incompatible offices nor apparent conflicts of interest.

Damon Ybarra – Mr. Ybarra resides in District 1 and is employed by Yeti Coolers, Inc. as a Sales Guide. He is not married. The application discloses neither incompatible offices nor apparent conflicts of interest.

Ravi Pathak – Mr. Pathak resides in District 8. He is employed by FinFit Life as Founding Executive Director. His spouse works as Master Teacher. Mr. Pathak also applied for a seat on the Arts Commission. The application discloses neither incompatible offices nor apparent conflicts of interest.

Joseph Sanchez – Mr. Sanchez resides in District 10. He is employed by Keller Williams Bay Area Estates as a Broker Associate. The application discloses neither incompatible offices nor apparent conflicts of interest.

CONCLUSION

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None of the applicants appear to hold any incompatible offices or to have conflicts of interest that would preclude them from serving on the Airport Commission.

NORA FRIMANN

City Attorney

By: /s/ Jon Calegari

JON CALEGARI

Senior Deputy City Attorney

cc: Jennifer Maguire, City Manager
Toni J. Taber, City Clerk

Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Susana Alcala Wood
City Attorney

SUBJECT: Conflicts Review –
Arts Commission Applicants
(Supplemental)

DATE: November 18, 2025

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 applications. In order to analyze potential conflicts, it is necessary to consider the duties of the particular commission for which the applicants are 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 applicants listed below were reviewed by our office. The applications do not disclose 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 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 Arts Commission in some manner, as identified on the applications.

Minerva Sarellano – Ms. Sarellano is employed as Director at FIRST 5 Santa Clara County in the Early Learning and Care Department. Her spouse works as an Air Traffic Controller at ZOA – FAA Air Route Traffic Control Center in Fremont. Ms. Sarellano currently serves on the Board of Directors for Parents Helping Parents where she has been a member for over a year and now holds the role of Governance Co-Chair. Further, Ms. Sarellano is Parent President at her children’s elementary school where she has helped expand arts programming in school celebrations. The application discloses no incompatible offices nor apparent conflicts of interest.

CONCLUSION

The applicants do not appear to have any incompatible offices or pervasive conflicts

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which would prevent serving on the Commission. You may wish to consider the above comments in making your recommendation on appointment to the Commission.

SUSANA ALCALA WOOD

City Attorney

By: /s/ Arlene Silva

ARLENE SILVA

Senior Deputy City Attorney

cc: Jennifer Maguire, City Manager
Toni J. Taber, CMC, City Clerk

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Nora Frimann
City Attorney

SUBJECT: **Historic Landmarks
Commission Applicants**

DATE: October 29, 2025

BACKGROUND

The Office of the City Attorney routinely reviews applications to City Boards and Commissions. The applications do not provide complete information regarding potential conflicts of interest; 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. 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

The Historic Landmarks Commission has two major responsibilities under the Municipal Code:

1. To serve in an advisory capacity to the City Council, the City Manager, and the Director of Planning with respect to various actions proposed to be taken involving property of historical significance. The various actions include acquisition, gifts, disposal, designation, sales, and exchanges of such property; and
2. To encourage and promote the preservation of historic landmarks, sites, artifacts, and other property connected with the history of the City of San José.

The members of the Commission must be persons having demonstrable interest and expertise in historic preservation. Whenever possible, at least three (3) members shall have professional expertise in one of the following disciplines: architecture, history, architectural history, planning, prehistoric and historic archaeology, folklore, cultural anthropology, curation, conservation, landscape architecture or related disciplines.

LEGAL CONFLICTS THAT MAY PRECLUDE VOTE OR PARTICIPATION

Certain positions and other financial interests may preclude a commissioner from participating in a Commission discussion and 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 of 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.
- An applicant has an interest (including community property interest) in real property, such as their place of residence or any other real property in San José, that may be affected by a matter coming before the Commission.

APPEARANCE OF BIAS

There may be facts which would not amount to a legal conflict of interest under the Political Reform Act requiring a commissioner to abstain from a commission vote or discussion, but the relationship could indicate a bias or the appearance of bias on the part of the commissioner. City Council policy requires commissioners to be free from bias in their decision making and may require a commissioner to abstain if the facts could reasonably lead one to conclude that the commissioner would be biased for or against an applicant or application.

REVIEW OF APPLICANTS

Multiple applications were received and determined by the City Clerk to meet the basic qualifications for consideration. Applications from the applicants listed below were reviewed by our office. Set forth below is a list of the new 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.

HISTORIC LANDMARKS COMMISSION APPLICANTS:

Council District 1

Damon Ybarra applied on June 30, 2025. Mr. Ybarra is a Sales Guide for Yeti Coolers LLC. He does not own real property in San José. If appointed, Mr. Ybarra may need to abstain from participating in decisions that potentially affect his employer.

Council District 3

Jimi Kogura applied on September 26, 2025. Mr. Kogura is a Biographic Services Associate for Stanford University and owns the Kogura Company. He does own real property in San José. If appointed, Mr. Kogura may need to abstain from participating in decisions that potentially affect real property, his employer, or his business.

Council District 7

Pasquale Casalino applied on September 30, 2025. Mr. Pasquale is retired. He owns real property in San José. If appointed, Mr. Pasquale may need to abstain from participating in decisions that potentially affect his real property interest or his previous employers, if he still receives income from those employers.

Council District 8

Thomas Salinas applied on November 18, 2024. Mr. Salinas is a Sales Content Manager for ServiceNow, and his spouse is a staff nurse for the Veterans Administration. He owns real property in San José. If appointed, Mr. Salinas may need to abstain from participating in decisions that potentially affect his real property or his or his spouse's employer.

Ravi Pathak applied on April 20, 2025. Mr. Pathak is the Founding Executive Director of FinFit Life. His spouse is a teacher. He owns real property in San José. If appointed, Mr. Pathak may need to abstain from participating in decisions that potentially affect his real property or his or his spouse's employer/clients.

CONCLUSION

If an applicant is compensated for a given activity, there may be occasions when they may have to abstain from participation in matters before the Commission which concern the source of income. If an applicant is a member of a board, they may also be required to abstain when the organization of which they are a board member takes a position in favor or against a project before the Commission.

The applications do not reveal any pervasive conflicts of interest which would prevent the current applicants from serving on the Historic Landmarks Commission. You may

wish to consider the above comments in making your recommendations on appointments to the Historic Landmarks Commission.

NORA FRIMANN
City Attorney

By 
DANIEL ZAZUETA
Senior Deputy City Attorney

Cc: Jennifer Maguire, City Manager
Toni Taber, CMC, City Clerk

Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Nora Frimann
City Attorney

SUBJECT: Conflicts Review - Housing
and Community Development
Commission

DATE: October 28, 2025

BACKGROUND

This Office routinely reviews applications to City boards, committees, and commissions. Although the applications do not provide complete information, 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 applications. 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. This review is limited to the information provided on the applications and is not intended to be a comprehensive investigation of potential conflicts involving applicants.

COMMISSION DUTIES

The Housing and Community Development Commission (“HCDC” or “Commission”) was formed in July 2013 when the Housing and Community Development Advisory Commission was merged with the Advisory Commission on Rents (“ACR”) and the Mobilehome Advisory Commission (“MAC”). It serves as the successor to ACR and MAC fulfilling their duties under the Mobilehome Rent Ordinance, Chapter 17.22 of the Municipal Code and the Rental Dispute Mediation and Arbitration Ordinance (“Apartment Rent Ordinance”), Chapter 17.23 of the Municipal Code. These duties include review of the fees imposed under those ordinances. HCDC also reviews potential amendments to provisions of the Zoning Code that apply to mobilehomes including the City’s Mobilehome Park Conversion Ordinance. HCDC serves as the lead citizen participation group in the planning and programming of the Community Development Block Grant (“CDBG”). HCDC also makes recommendations on new and existing Housing Department programs and policies. Additionally, HCDC holds public

hearings and makes recommendations in conjunction with the City's Consolidated Plan and Annual Action Plans, which are related to the use and spending of federal funds, including CDBG, Emergency Solutions Grant ("ESG"), and Home Investment Partnerships Program ("HOME") funds. In 2020, HCDC was designated as the Oversight Committee for the Measure E funds reviewing and commenting on spending plans and expenditures consistent with Council Policy 1-18. The decisions made by the members of HCDC, particularly those related to the Consolidated Plan, may impact the spending of City funds.

COMMISSION MEMBERSHIP

The Commission is a 14 member body with the following special eligibility requirements: (a) one member shall be a person recommended by an organization of owners of San José mobilehome parks; (b) one member shall be a person recommended by an organization of residents of San José mobilehome parks; (c) one member shall be an owner or manager of San José rent stabilized apartments; (d) one member shall be a tenant of a San José rent stabilized apartment, (e) one member and an alternate member shall be persons with experience being homeless, and (f) at least five members shall represent low income households. The members nominated by the Mayor, District 3, District 5, and District 7 are the seats that are intended to be filled by persons representing low-income households. Additionally, the mobilehome park resident representative is deemed to be a representative of low-income households.

UPCOMING VACANCIES

There will be four vacant seats to be filled on the Commission: Districts 3,4,6, and 8 seats.

APPLICANTS

The applications from the applicants eligible for the upcoming vacancies were reviewed by our office and are listed below. Unless otherwise indicated, the applications reviewed do not disclose 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 or affecting an entity comes before the commission, including consideration of a potential grant or contract, or a matter under the Mobilehome Rent Ordinance or the Apartment Rent Ordinance. 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 entities that are 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.

Additionally, a conflict may arise when the Commission is proposed to take action on a matter related to the Mobilehome Rent Ordinance, the Apartment Rent Ordinance or the Mobilehome related provisions of Title 20, if applicant resides in or owns a property subject to these ordinances and the potential commission action may impact the personal finances of the applicant.

Members serving as a mobilehome park representative or a residential rent stabilized apartment representative are permitted to take actions affecting mobilehome related matters or rent stabilized apartments matters, respectively, without violating general conflict of interest provisions of state and local law.

Municipal Code Section 2.08.2820 provides that: (a) one member of the Commission shall be a person recommended by an organization of residents of San José mobilehome parks, (b) one member of the Commission shall be a person recommended by an organization of owners of the San José mobilehome parks, and these members have designated seats on the Commission pursuant to Section 2.08.2830.A. Section 2.08.2820 also provides that: (c) one member shall be an owner or manager of a residential rent stabilized property, (d) one member shall be a tenant of rent stabilized unit, however, there are no designated seats for these representatives.

San José Municipal Code Section 2.08.2850 contains findings and declarations which provide that: (a) for the purposes of the mobilehome park owner who serves on the commission, the San José mobilehome park industry is tantamount to and constitutes the public generally within the meaning of California Government Code Section 87103; and (b) for purposes of the mobilehome park resident who serves on the commission, the San José mobilehome park residential community is tantamount to and constitutes the public generally within the meaning of California Government Code Section 87103. Together, these provisions allow the persons appointed to these representative positions to take action on issues related to the mobilehome rent ordinance or other mobilehome related matters without violation of the general conflict of interest provisions of state and local law. Municipal Code Section 2.08.2850 also contains findings and declarations which provide that: (c) for the purposes of the owner or manager of residential rent stabilized rental unit(s) who serves on the commission in San José, the residential rent stabilized rental property owners is tantamount to and constitutes the public generally within the meaning of California Government Code Section 87103; and for purposes of the tenant of a residential rent stabilized rental unit who serves on the commission, the San José residential rent stabilized rental unit tenants community is tantamount to and constitutes the public generally within the meaning of California Government Code Section 87103. Together, these provisions allow the persons appointed to these representative positions to take action on issues related to the Apartment Rent Ordinance or other rent stabilized apartment related matters without violation of the general conflict of interest provisions of state and local law.

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.

HOUSING DEPARTMENT GRANTEE POLICY

In addition to the conflicts listed above, it is Housing Department Policy that in order to avoid a perceived conflict of interest, no person who is a member of the board of

directors of, or is employed by, an agency that applies for or receives CDBG, ESG, HOME or other funding will be eligible to vote on funding decisions involving that agency regarding that funding source. Where an applicant is connected with a specific agency that has previously applied for grants or funding, this policy will be mentioned below.

REVIEW OF APPLICANTS

The list below summarizes some of the basic information from the applications and identifies any conflicts or potential conflicts. Since specific gender preferences of the applicants are not provided in the application, all applicants below are referred to as “them/their/they.”

Applicants Applying for the Low-Income Household Member Seats in District 3:

ELIZABETH AGRAMONT-JUSTINNIANO: The applicant resides in Council District 3 in a non-rent-stabilized apartment. This application was submitted on September 30, 2023. This application indicates they are employed at Life Moves, a nonprofit organization under contract with the City, as a Intake Coordinator at 1041 The Alameda. The spouse sections of the applicant indicates “N/A.” The applicant also indicates that they currently rent property in San José and that property is subject to the Tenant Protection Ordinance. A potential conflict of interest could arise in their role as a Life Moves employee in the event that an item came before the Commission related to Life Moves’ work with the City. In this event, the applicant would likely be required to recuse themselves because there could be a potential financial conflict of interest. Otherwise, the application discloses no incompatible offices, incompatible activities, or conflicts of interest which appear likely to arise in the performance of the applicant’s duties as a Commission member.

BRENDA BELL BROWN: This application was submitted on February 11, 2025. The applicant resides in Council District 3 and that they are applying for a low income member seat and have lived experience with homelessness. The applicant indicates in the employment section “N/A.” The spouse’s section of this application indicates “N/A”. Their application indicates that they rent property in San Jose but it is not subject to rent control. The application discloses no incompatible offices, incompatible activities, or conflicts of interest which appear likely to arise in the performance of the applicant’s duties as a Commission member.

Applicants Applying for a Low-Income Household Member Seats:

BRIAN CARR: This application was submitted on February 10, 2025. The applicant resides in Council District 7 and that they are applying for a low-income member seat and have lived experience with homelessness. Both positions are currently filled. The applicant indicates in the employment section “N/A.” The spouse’s section of this application indicates “N/A”. Their application indicates that they both own and rent a mobilehome in San Jose subject to rent control. A possible conflict of interest could arise if the Commission was hearing a matter that would impact the financial interests of this applicant based upon the applicant’s residency in mobilehome park subject to rent control, so the applicant may have to recuse themselves if such an item came before the Commission. Otherwise, the application discloses no incompatible offices, incompatible activities, or conflicts of interest which appear likely to arise in the performance of the applicant’s duties as a Commission member.

ROSA ESCALARA: This application was submitted on February 11, 2025. The applicant resides in Council District 7 and they are applying for a low-income member seat and have lived experience with homelessness which are both currently filled. The applicant indicates in the employment section that they are an Administrative Assistance with Martha’s Kitchen. The spouse’s section of this application indicates “N/A.” Their application indicates that they do not own or rent property in San Jose; however, they live in a mobilehome park subject to rent control. A possible conflict of interest could arise if a matter came before the Commission that would impact the financial interests of this applicant based upon the applicant’s residency in a mobilehome park subject to rent control; so, the applicant may have to recuse themselves if such an item came before the Commission. Otherwise, the application discloses no incompatible offices, incompatible activities, or conflicts of interest which appear likely to arise in the performance of the applicant’s duties as a Commission member.

KY LAM: This application was submitted on March 17, 2025. The applicant resides in Council District 6 and is applying for a low-income member seat on the Commission. The applicant indicates in the employment section that they are an Operator at GMS. The spouse’s employment section of this application indicates they are a “housewife”. Their application indicates that they do not own or rent property in San Jose. The application discloses no incompatible offices, incompatible activities, or conflicts of interest which appear likely to arise in the performance of the applicant’s duties as a Commission member.

VICTORIA PARTIDA: This application was submitted on March 30, 2025. The applicant resides in Council District 7 and is applying for a low-income member seat on the Commission which is currently filled in District 7. The applicant indicates in the employment section that they are employed as a Health Planning Specialist II at the County of Santa Clara Public Health Department. The spouse section of this application indicates they own Paradise Painting. Their application indicates that they own property in San Jose. The application discloses no incompatible offices, incompatible activities, or conflicts of interest which appear likely to arise in the performance of the applicant's duties as a Commission member.

DAISY PORRAS: This application was submitted on March 14, 2025. The applicant resides in Council District 7 and is applying for one of the low-income member seats on the Commission which is currently filled in District 7. The applicant indicates in the employment section that they are a Resident Coordinator at Housing Choices. The spouse's section of this application indicates "n/a." Their application indicates that they rent property in San Jose but it is not subject to rent control. The application discloses no incompatible offices, incompatible activities, or conflicts of interest which appear likely to arise in the performance of the applicant's duties as a Commission member.

Applicants Applying for District 4 Seat:

THOA HOANG: This application was submitted on October 4, 2024. The applicant resides in Council District 4. The applicant indicates in the employment section that they are an Investing Fellow at Stanford University. The spouse's section of this application indicates "n/a." Their application indicates that they own property in San Jose. The application discloses no incompatible offices, incompatible activities, or conflicts of interest which appear likely to arise in the performance of the applicant's duties as a Commission member.

MICHELLE HUYNH: This application was submitted on March 5, 2025. The applicant resides in Council District 4. The applicant indicates in the employment section "N/A." The spouse's section of this application indicates they are employed as a Content Specialist at Hogarth Worldwide. Their application indicates that they own property in San Jose. The application discloses no incompatible offices, incompatible activities, or conflicts of interest which appear likely to arise in the performance of the applicant's duties as a Commission member.

Applicants Applying for District 6 Seat:

JENNIFER CRETELLA: This application was submitted on September 15, 2025. The applicant resides in Council District 6. The applicant indicates in the employment section that they are employed at Apple as a Technical Design. The spouse section of this application indicates they are employed at Apple as an Engineer. Their application indicates that they live a property they own in San Jose. The application discloses no incompatible offices, incompatible activities, or conflicts of interest which appear likely to arise in the performance of the applicant's duties as a Commission member.

Applicants Applying for District 8 Seat:

SONG CUI: This application was submitted on June 22, 2025. The applicant resides in Council District 8. The applicant indicates in the employment section that they are employed at Spreadtrum Communications USA Inc. as a Principal Systems Engineer. The spouse section of this application indicates they are a Teacher at Basis Independent Silicon Valley Lower School. Their application indicates that they live in a home in San Jose, but it is not subject to rent control. The application discloses no incompatible offices, incompatible activities, or conflicts of interest which appear likely to arise in the performance of the applicant's duties as a Commission member.

MAHARSHI PATEL: This application was submitted on September 19, 2025. The applicant resides in Council District 8. The applicant indicates in the employment section that they are employed at AlphaX RE Capital as a Development Manager. The spouse section of this application indicates they are employed at Asia Alternatives Management as a Fund Accountant. Their application indicates that they live in a rental property in San Jose, but it is not subject to rent control. The application discloses no incompatible offices, incompatible activities, or conflicts of interest which appear likely to arise in the performance of the applicant's duties as a Commission member.

RAVI PATHAK: This application was submitted on April 20, 2025. The applicant resides in Council District 8. The applicant indicates in the employment section that they are employed at Finfit Life as a Founding Executive Director. The spouse section of this application indicates they are a Master Teacher employed by Priti Pathak. Their application indicates that they live in a home in San Jose, but it is not subject to rent control. The application discloses no incompatible offices, incompatible activities, or

conflicts of interest which appear likely to arise in the performance of the applicant's duties as a Commission member.

All Other Applicants:

ESMERALDA BAUTISTA: This application was submitted on August 28, 2025. The applicant resides in Council District 3. The applicant indicates in the employment section that they are employed at San Jose Unified School District as a Director of Communications and Engagement. The spouse section of this application indicates "N/A." Their application indicates that they live in a rental property in San Jose, but it is not subject to rent control. The application discloses no incompatible offices, incompatible activities, or conflicts of interest which appear likely to arise in the performance of the applicant's duties as a Commission member.

MARIKA BUCKHOLZ: This application was submitted on September 27, 2025. The applicant resides in Council District 3. The applicant indicates in the employment section that they are employed at the County of San Mateo as a Human Services Coordinator. The spouse section of this application indicates "N/A." Their application indicates that they own property and rent property in San Jose, but it is not subject to the Apartment Rent Ordinance. The application discloses no incompatible offices, incompatible activities, or conflicts of interest which appear likely to arise in the performance of the applicant's duties as a Commission member.

TASHA EASTON: This application was submitted on February 3, 2025. The applicant resides in Council District 2. The applicant indicates in the employment section that they are an HR Program Director for VMware. The spouse's section of this application indicates they are a teacher. Their application indicates that they own property in San Jose. The application discloses no incompatible offices, incompatible activities, or conflicts of interest which appear likely to arise in the performance of the applicant's duties as a Commission member.

AIMEE ESCOBAR: This application was submitted on September 29, 2025. The applicant resides in Council District 3. The applicant indicates in the employment section that they are a Management Analyst at City of Santa Clara, City Manager's Office. The spouse's section of this application indicates "N/A." Their application indicates that they rent property in San Jose but it is not subject to rent control. The application discloses no incompatible offices, incompatible activities, or conflicts of interest which

appear likely to arise in the performance of the applicant's duties as a Commission member.

HINA PATEL: This application was submitted on August 28, 2025. The applicant resides in Council District 3. The applicant indicates in the employment section that they are employed at Servicenow as a Chief of Staff. The spouse section of this application indicates they are employed retired. Their application indicates that they live in a home they own property in San Jose. The application discloses no incompatible offices, incompatible activities, or conflicts of interest which appear likely to arise in the performance of the applicant's duties as a Commission member.

OSCAR QUIROZ-MEDRANO: This application was submitted on September 28, 2025 and they are applying for a low-income position on the Commission. According to the application, the applicant resides in Council District 10. The applicant indicates that they are employed by SOMOS Mayfair as a Vecinos Activos Coordinator. The spouse sections of this application indicate they are employed as a "non profit head." The application discloses no incompatible offices, incompatible activities, or conflicts of interest which appear likely to arise in the performance of the applicant's duties as a Commission member.

ANDREW SINGLETERRY: This application was submitted on September 24, 2025. The applicant resides in Council District 3. The applicant is applying for the low-income member seat on the Commission. The applicant indicates in the employment section that they are employed at Servant Partners as a Site Leader and Editor. The spouse section of this application indicates they are employed at Servant Partners as a Director of Fund Development. Their application indicates that they live in a rental property in San Jose, but it is not subject to rent control. The application discloses no incompatible offices, incompatible activities, or conflicts of interest which appear likely to arise in the performance of the applicant's duties as a Commission member.

RICHARD STEWART: This application was submitted on October 1, 2024. The applicant resides in Council District 3. The applicant indicates in the employment section "retired." The spouse's section of this application indicates "NA." Their application indicates that they own property in San Jose. The application discloses no incompatible offices, incompatible activities, or conflicts of interest which appear likely to arise in the performance of the applicant's duties as a Commission member.

DAMON YBARRA: This application was submitted on June 30, 2025. The applicant resides in Council District 1. The applicant indicates in the employment section that they are employed at Yeti Coolers as a Sales Guide. The spouse section of this application indicates “N/A.” Their application indicates that they live in a home in San Jose, but it is not subject to rent control. The application discloses no incompatible offices, incompatible activities, or conflicts of interest which appear likely to arise in the performance of the applicant’s duties as a Commission member.

CONCLUSION

Except as noted in the review of applicants, Brian Carr and Rosa Escalara, the applications disclose no incompatible offices, incompatible activities, or conflicts of interest which appear likely to arise in the performance of the applicants’ duties as Commission members. You may wish to consider the above comments in making your recommendations on appointments to the Commission.

NORA FRIMANN
City Attorney

By: /s/ Christopher Alexander
Christopher Alexander
Deputy City Attorney

cc: Toni Taber, City Clerk
Jennifer Maguire, City Manager
Erik L. Solivan, Director of Housing

Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Nora Frimann
City Attorney

SUBJECT: Planning Commission
Applicants

DATE: October 29, 2025

BACKGROUND

The Office of the City Attorney routinely reviews applications to City Boards and Commissions. The applications do not provide complete information regarding potential conflicts of interest; 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. 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

The Planning Commission has two major responsibilities under the City Charter and the San José Municipal Code (SJMC):

1. To serve as a quasi-judicial body with respect to the consideration of issuance of certain land use permits and appeals; and
2. To serve in an advisory capacity to the City Council with respect to specific proposals for or affecting zoning, the general plan, a specific plan, and zoning ordinance (SJMC Title 20) amendments.

Pursuant to state law and the City Charter, the Planning Commission is also required to review capital improvement programs. Additionally, under SJMC requirements, the Planning Commission has responsibilities related to considering and certifying the adequacy of many environmental impact reports under the California Environmental Quality Act for projects within the Planning Commission's jurisdiction and for making recommendations to the City Council for projects within the Council's jurisdiction. In addition, the Commission serves in an advisory capacity with respect to other City activities related to land use and development, such as park master plans.

LEGAL CONFLICTS THAT MAY PRECLUDE VOTE OR PARTICIPATION

Certain positions and other financial interests may preclude a commissioner from participating in a Commission discussion and 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 of 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.
- An applicant has an interest (including community property interest) in real property, such as their place of residence or any other real property in San José, that may be affected by a matter coming before the Commission.

APPEARANCE OF BIAS

There may be facts which would not amount to a legal conflict of interest under the Political Reform Act requiring a commissioner to abstain from a commission vote or discussion, but the relationship could indicate a bias or the appearance of bias on the part of the commissioner. City Council policy requires commissioners to be free from bias in their decision making and may require a commissioner to abstain if the facts could reasonably lead one to conclude that the commissioner would be biased for or against an applicant or application.

REVIEW OF APPLICANTS

Multiple applications were received and determined by the City Clerk to meet the basic qualifications for consideration. Applications from the applicants listed below were reviewed by our office. The applicants are divided by Council District to be considered in accordance with the November 8, 2022 amendments to Section 1000 of the City Charter. Unless otherwise indicated, no application discloses incompatible offices or apparent conflicts of interest that would substantially impair the functioning of the Commission.

PLANNING COMMISSION APPLICANTS

Council District 3

Kenneth Rosales applied on October 1, 2025. Mr. Rosales is a Leadership Development Program Manager for SV@Home. His spouse works for the City of Fremont. He does not own real property in San José. If appointed, Mr. Rosales may need to abstain from participating in decisions that potentially affect his employer or his spouse's employer.

Ashely Guerrero applied on September 30, 2025. Ms. Guerrero is a Jovenes Activos Coordinator for SOMOS Mayfair. She does not own real property in San José. If appointed, Ms. Guerrero may need to abstain from participating in decisions that potentially affect her employer.

Aimee Escobar applied on September 29, 2025. Ms. Escobar is a Management Analyst for the City Manager's Office for the City of Santa Clara. She does not own real property in San José. If appointed, Ms. Escobar may need to abstain from participating in decisions that potentially affect her employer.

Yishu Yu applied on September 09, 2025 (application is incomplete). Ms. Yu is a Project Manager for Apex Homes. She does not own real property in San José. If appointed, Ms. Yu may need to abstain from participating in decisions that potentially affect her employer.

Felipe Romero applied on July 23, 2025. Mr. Romero is a Staff Attorney for the Human Agenda. His spouse is employed by the Valley Health Center. He does not own real property in San José. If appointed, Mr. Romero may need to abstain from participating in decisions that potentially affect his employer or his spouse's employer.

Barry Del Buono applied on April 01, 2025. Mr. Del Buono is a Professor at San Jose City College. His spouse is also employed by San Jose City College. Mr. Del Buono does own real property in San José. If appointed, Mr. Del Buono may need to abstain from participating in decisions that potentially his and his spouse's employer or his real property interest.

Steve Cohen applied on March 28, 2025. Mr. Cohen is a Manager for Mojmir Properties LLC. Mr. Cohen has various real property interests in San José. If appointed, Mr. Cohen may need to abstain from participating in decisions that potentially affect his employer or his real property interests.

CONCLUSION

If an applicant is compensated for a given activity, there may be occasions when they may have to abstain from participation in matters before the Commission which concern the source of income. If an applicant is a member of a board, they may also be required to abstain when the organization of which they are a board member takes a position in favor or against a project before the Commission.

The applications do not reveal any pervasive conflicts of interest which would prevent the current applicants from serving on the Planning Commission. You may wish to consider the above comments in making your recommendations on appointments to the Planning Commission.

NORA FRIMANN
City Attorney

By



DANIEL ZAZUETA
Senior Deputy City Attorney

cc: Jennifer Maguire, City Manager
Toni Taber, City Clerk