

Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: NORA FRIMANN
City Attorney

SUBJECT: Conflicts Review - Airport
Commission Applicants

DATE: May 8, 2024

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

John Donal O'Shea – Mr. O'Shea is a resident of District 1 and is retired. He is a widow. His application discloses neither incompatible offices nor apparent conflicts of interest.

Hai Bui – Mr. Bui is a resident of District 2 and is employed by VMware as a Principal Software Engineer. His application discloses neither incompatible offices nor apparent conflicts of interest.

Prateek Gupta – Prateek Gupta resides in District 4, is a current Airport Commissioner, and is self-employed. The application discloses neither incompatible offices nor apparent conflicts of interest.

Dana Todd Iketani – Mr. Iketani is a resident of District 6 and works at Shield Intellectual Property PC as an Attorney. His application discloses neither incompatible offices nor apparent conflicts of interest.

Magnolia Segol – Ms. Segol is a resident of District 6 and works as an Attorney at her law firm, Law Office of Magnolia Kelly Segol in downtown Willow Glen. Her spouse works for the City of San Jose in the Mayor's Gang Prevention Task Force as an Analyst. Ms. Segol's application discloses neither incompatible offices nor apparent conflicts of interest.

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CONCLUSION

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.

HONORABLE MAYOR AND CITY COUNCIL

May 8, 2024

Subject: Conflict of Interest – Airport Commission Applicants

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NORA FRIMANN,
City Attorney

By: _____/s/_____
Jon Calegari
Senior Deputy City Attorney

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

Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Nora Frimann
City Attorney

SUBJECT: Conflicts Review –
Arts Commission Applicants

DATE: April 30, 2024

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.

Karen Adamski – Ms. Adamski is a Shamanic practitioner with Shamamama in San Jose. Her spouse is a Manager of Facilities Engineering at Applied Materials based in Sunnyvale. As part of her Shamanism practice, she leads sound baths for county employees weekly, participates in various community events, and has been acknowledged by City lawmakers for her work. It is possible that the Commission could consider a matter involving Shamamama or a source of income to Ms. Adamski which may present an actual conflict or appearance of bias. In such a case, Ms. Adamski may need to disqualify herself from taking part in the Commission’s decision on that matter. Otherwise, the application discloses no incompatible offices nor apparent conflicts of interest.

Jesus Lorenzo Carillo Arciniega – Mr. Arciniega is a Senior Operating Clerk for PG&E. His spouse is also an Operating Clerk for PG&E. Mr. Arciniega is also attending San Jose State University. He was former Chair at the AFL-CIO Young Workers

Advisory Council. He is currently a Board Member at the San Jose Villa Antigua HOA in San Jose and an active member of the South Bay Labor Council (San Jose). It is possible that the Commission could consider a matter involving an organization affiliated with Mr. Arciniega which may present an actual conflict or appearance of bias. In such a case, Mr. Arciniega may need to disqualify himself from taking part in the Commission's decision on that matter. Otherwise, the application discloses no incompatible offices nor apparent conflicts of interest.

Alejandro Aroz – Mr. Aroz is a sheet metal estimator for Cortec Precision Manufacturing. It is possible that the Commission could consider a matter involving an organization affiliated with Mr. Aroz which may present an actual conflict or appearance of bias. In such a case, Mr. Aroz may need to disqualify himself from taking part in the Commission's decision on that matter. Otherwise, the application discloses no incompatible offices nor apparent conflicts of interest.

Jonathan Borca – Mr. Borca is a Global Merchandising Program Manager for Google, and recently resigned from his role as Deputy Director for the School of Arts and Culture at Mexican Heritage Plaza. He previously worked on the SV@Home (Measure E) Campaign in San Jose as part of campaign staff. He was also a winner of the 2019 Cornerstone of the Arts Award for the Creative Impact Award. It is possible that the Commission could consider a matter involving an organization affiliated with Mr. Borca which may present an actual conflict or appearance of bias. In such a case, Mr. Borca may need to disqualify himself from taking part in the Commission's decision on that matter. Otherwise, the application discloses no incompatible offices nor apparent conflicts of interest.

Nicole Ennen – Ms. Ennen is the Founder and Chief Executive Officer of Org Empathy Consulting LLC and a Steering Committee Member of HarmonyWerks, Inc. She also creates and sells her own art through her small business, Bad Art by Nice. It is possible that the Commission could consider a matter involving an organization affiliated with Ms. Ennen which may present an actual conflict or appearance of bias. In such a case, Ms. Ennen may need to disqualify herself from taking part in the Commission's decision on that matter. Otherwise, the application discloses no incompatible offices nor apparent conflicts of interest.

Emily Esparza – Ms. Esparza is Vice President of Culture & Community Engagement for National University. It is possible that the Commission could consider a matter involving an organization affiliated with Ms. Esparza which may present an actual conflict or appearance of bias. In such a case, Ms. Esparza may need to disqualify herself from taking part in the Commission's decision on that matter. Otherwise, the application discloses no incompatible offices nor apparent conflicts of interest.

Carman Gaines – Ms. Gaines is the Associate Director of Local Color, a charitable organization based in San Jose that creates economic opportunities for local artists. It

is possible that the Commission could consider a matter involving Local Color or other organizations affiliated with Ms. Gaines, which may present an actual conflict or appearance of bias. Ms. Gaines has identified in her application that historically, Local Color has participated in RFQs with the City and is a recipient of the Operating Grant reviewed by the Arts Commission. In such a case, Ms. Gaines may need to disqualify herself from taking part in the Commission's decision on that matter. Otherwise, the application discloses no incompatible offices nor apparent conflicts of interest.

Alexandra “Sascha” Hughes-Caley – Ms. Hughes-Caley is the primary caregiver of her two young children. Her spouse works in sales for manufactured homes and is an artist. She is a Master Gardener with Santa Clara County, a Board Member of the Mandala Children's House, and was previously the Secretary of Vox Populi. It is possible that the Commission could consider a matter involving an organization affiliated with Ms. Hughes-Caley which may present an actual conflict or appearance of bias. In such a case, Ms. Hughes-Caley may need to disqualify herself from taking part in the Commission's decision on that matter. Otherwise, the application discloses no incompatible offices nor apparent conflicts of interest.

Lee Andra Leota – Ms. Leota is a mental health therapist with the Prodigy Clinic. She has served on the boards of the San Jose Hitsquad, Pacific Feats, and Youth Elite Standards. It is possible that the Commission could consider a matter involving an organization affiliated with Ms. Leota which may present an actual conflict or appearance of bias. In such a case, Ms. Leota may need to disqualify herself from taking part in the Commission's decision on that matter. Otherwise, the application discloses no incompatible offices nor apparent conflicts of interest.

Ernesto Martinez – Mr. Martinez is a faculty member with San Jose State University. He receives a pension through CalPERS. He was formerly a Board Member for the San Jose State University Latino Alumni Network and the School of Arts and Culture at Mexican Heritage Plaza. It is possible that the Commission could consider a matter involving an organization affiliated with Mr. Martinez which may present an actual conflict or appearance of bias. In such a case, Mr. Martinez may need to disqualify himself from taking part in the Commission's decision on that matter. Otherwise, the application discloses no incompatible offices nor apparent conflicts of interest.

Vellachi Palaniappan – Vellachi Palaniappan is a Program Manager for AMD. Their spouse is a manager with Realization Technologies in San Jose. They participate as a dancer with SKDC and MSD. It is possible that the Commission could consider a matter involving an organization affiliated with Vellachi Palaniappan which may present an actual conflict or appearance of bias. In such a case, they may need to disqualify themselves from taking part in the Commission's decision on that matter. Otherwise, the application discloses no incompatible offices nor apparent conflicts of interest.

Janett Peace – Ms. Peace is self-employed and her spouse is retired. She has served on the City's Arts Commission since 2022. During this term, she has sat on the Public Art Committee and Executive Committee. It is possible that the Commission could consider a matter involving an organization affiliated with Ms. Peace which may present an actual conflict or appearance of bias. In such a case, Ms. Peace may need to disqualify herself from taking part in the Commission's decision on that matter. Otherwise, the application discloses no incompatible offices nor apparent conflicts of interest.

Simantinee Roy – Ms. Roy is the Director of Workplace & Global Programs for Imperva in San Mateo. Her spouse is a Principal Software Development Engineer with Workday in Pleasanton. It is possible that the Commission could consider a matter involving an organization affiliated with Ms. Roy which may present an actual conflict or appearance of bias. In such a case, Ms. Roy may need to disqualify herself from taking part in the Commission's decision on that matter. Otherwise, the application discloses no incompatible offices nor apparent conflicts of interest.

Gregory Santos-Koess – Mr. Santos-Koess is a Localization Manager for Apple. His spouse is an Account Manager for Simultrans. It is possible that the Commission could consider a matter involving an organization affiliated with Mr. Santos-Koess which may present an actual conflict or appearance of bias. In such a case, Mr. Santos-Koess may need to disqualify himself from taking part in the Commission's decision on that matter. Otherwise, the application discloses no incompatible offices nor apparent conflicts of interest.

Alexis Steen – Ms. Steen is Vice-President Branch Manager of HomeStreet Bank. She has served as Community Vice President of the San Jose Junior League Gala Committee at the Silicon Valley Boys and Girls Club. It is possible that the Commission could consider a matter involving an organization affiliated with Ms. Steen which may present an actual conflict or appearance of bias. In such a case, Ms. Steen may need to disqualify herself from taking part in the Commission's decision on that matter. Otherwise, the application discloses no incompatible offices nor apparent conflicts of interest.

Xuliang Yan – Xuliang Yan is the Creative Director of U Channel Foundation in Santa Clara. Their spouse is a pre-school teacher in San Jose. It is possible that the Commission could consider a matter involving an organization affiliated with Xuliang Yan which may present an actual conflict or appearance of bias. In such a case, Xuliang Yan may need to disqualify themselves from taking part in the Commission's decision on that matter. Otherwise, the application discloses no incompatible offices nor apparent conflicts of interest.

Manjiri Yeravadekar – Manjiri Yeravadekar is the Head of Software Program Management for Mill Industries. Their spouse is a Software Architect with Oracle Corp.

April 30, 2024

Subject: Arts Commission Applicants – Conflict of Interest

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Manjiri Yeravadekar has served as the Chairperson for the Fundraising Committee of the Home and School Club at Dilworth Elementary School in San Jose. It is possible that the Commission could consider a matter involving an organization affiliated with Manjiri Yeravadekar which may present an actual conflict or appearance of bias. In such a case, they may need to disqualify themselves from taking part in the Commission's decision on that matter. Otherwise, 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 which would prevent serving on the Commission. You may wish to consider the above comments in making your recommendation on appointment to the Commission.

NORA FRIMANN

City Attorney

By: /s/ Leanne Bolaño

LEANNE BOLANO

Deputy City Attorney

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

Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Nora Frimann
City Attorney

SUBJECT: Conflicts Review –
Arts Commission Applicants
(Supplemental)

DATE: May 28, 2024

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.

Analyn Bones – Ms. Bones is a caretaker nurse for the County of Santa Clara. She is also a local muralist in San José. It is possible that the Commission could consider a matter involving an organization affiliated with Ms. Bones or a source of income to Ms. Bones which may present an actual conflict or appearance of bias. In such a case, Ms. Bones may need to disqualify herself from taking part in the Commission’s decision on that matter. Otherwise, the application discloses no incompatible offices nor apparent conflicts of interest.

CONCLUSION

The applicant does not appear to have any incompatible offices or pervasive conflicts which would prevent serving on the Commission. You may wish to consider the above comments in making your recommendation on appointment to the Commission.

HONORABLE MAYOR AND CITY COUNCIL

May 28, 2024

Subject: Arts Commission Applicants – Conflict of Interest

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NORA FRIMANN

City Attorney

By: /s/ Leanne Bolaño

LEANNE BOLANO

Deputy City Attorney

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

Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Nora Frimann
City Attorney

SUBJECT: **Appointments to the Climate
Advisory Commission**

DATE: May 2, 2024

I. BACKGROUND

This Office routinely reviews applications for appointment to City boards and commissions. The applications generally do not provide complete information; however, they do occasionally disclose potential conflicts of interest, actual or perceived, or incompatible offices. The purpose of this memorandum is to highlight major areas of known potential conflicts that are disclosed by the applications. The Climate Advisory Commission became effective January 1, 2024, when it merged with and replaced the Clean Energy Advisory Commission.

II. COMMISSION DUTIES

Pursuant to section 2.08.2130 of the San José Municipal Code, the Climate Advisory Commission ("Commission") has the following functions, powers, and duties:

- A. Advise and make recommendations to the City Council and the City Manager, or designee, on all aspects of San José Climate Smart plan, with a focus on the Pathway to Carbon Neutrality by 2030 and climate adaptation; and provide feedback on staff recommendations to the City Council, and Transportation and Environment Committee, when appropriate.
- B. Serve as a community voice in matters related to San José's Climate Smart initiatives.
- C. Advise and make recommendations to the City Council and the City Manager, or designee, on San José Clean Energy's services and product offerings, Integrated Resource Plan, and programs.

III. COMMISSION COMPOSITION

The Commission is an eleven-member commission. Whenever possible, at least five (5) members shall be community representatives from different Council Districts. Members shall be residents of the City unless the Council specifically authorizes a nonresident for an expert member in clean energy, power planning, transportation, finance, climate science, planning and building, or environmental law. Whenever possible, at least three (3) members shall have expertise in one of the categories described above. Whenever

possible, at least one (1) member shall be a representative from a climate, environmental advocacy, or community-based organization; at least one (1) member shall be a representative from a labor, business, or educational institution; and at least one (1) member shall be a youth representative between the ages of 14 and 21.

The five members of the Clean Energy Community Advisory Commission with unexpired terms as of January 1, 2024, continue to serve as Climate Advisory Commissioners until their seats become vacant under Part 1 of Chapter 2.08.

The Council Appointment Advisory Commission reviews all applicants and nominates candidates for all vacant seats. If the Council Appointment Advisory Commission is unable to meet, the Mayor may nominate candidates. The City Council must approve the appointment of all members to the Commission.

IV. 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:

- A. 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;
- B. 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; and/or
- C. 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.

V. 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. The City Council policy requires commissions to be free from bias in their decision-making and may require a commissioner to recuse him/herself if the facts could reasonably lead one to conclude that the applicant would be biased for or against an entity or entities.

VI. APPLICANTS

District 3

1. **Ryan Lodico**: Mr Lodico is a Staff Engineer at SLAC National Accelerator Laboratory and his spouse is a Retail Sales Associate at Recreational

Equipment, Inc. He has identified himself as being a member of the Community Outreach, Education/Research Center, and Energy Advocate stakeholder categories and possessing expertise in the Electricity Field.

District 7

1. **Erhard Schreck**: Mr. Schreck is a retired senior technologist. He has identified himself as being a member of the Clean Energy Business and Energy Advocate stakeholder categories.

District 8

1. **Jennifer Lao**: Ms. Lao most recently worked as a Project Manager for PlayStation and her spouse is an MBA candidate at USC Marshall. She has identified herself as being a member of the Community Outreach, Environmental (Association, Advocacy, Justice), and Low Income Advocate stakeholder categories.

VII. CONCLUSION

None of these applications identify or include information demonstrating potential conflicts of interest or that would preclude the applicant from serving on the Commission. The City Council may wish to consider the comments above regarding potential conflicts in making its appointments to the Commission.

NORA FRIMMAN
City Attorney

By s/ Brian Kimball
Brian Kimball
Senior Deputy City Attorney

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

Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

SUBJECT: Conflicts Review - Housing
and Community Development
Commission

FROM: Nora Frimann
City Attorney

DATE: April 30, 2024

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 shall be a person 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 are currently two vacant seats on the Commission, the citywide tenant of a rent stabilized property member seat and the lived experience with homelessness alternate member seat. In accordance with Section 2.08.180 and 2.08.2830 B. of the Municipal Code, these vacant seats are to be nominated by the Mayor’s Office.

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.”

Applicant Qualifying for Rent Stabilized Property Tenant Member Seat and Lived Experience Alternate Member Seat:

YAMILLE JIMENEZ: This application was submitted on January 18, 2024 and the applicant is applying for the lived experience with homelessness alternate member seat. According to the application, the applicant resides in Council District 5. The applicant indicates that they are employed by Next Door Solutions as a self sufficiency advocate. Their application indicates that they rent property in the City of San José and is the property is subject to rent control and therefore they would qualify to be a Apartment Rent Ordinance tenant representative on the Commission. The spouse sections of this application indicates “N/A.” 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 with Lived Experience with Homelessness:

THOMAS KNIGHT: This application was submitted on March 24, 2024 and the applicant is applying for the lived experience with homelessness alternate member seat. According to the application, the applicant resides in Council District 3. Their application states that they currently serve as the Lived Experience Advisory Board of Silicon Valley. Their application indicates that they neither own nor rent property in the City of San José and live in an emergency interim housing site. The applicant indicates “N/A” under the employment section. The spouse sections of this application indicates “N/A.” 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.

JANAE PINA: This application was submitted on January 25, 2024. According to the application, the applicant resides in Council District 6. Their application indicates that they are applying for the lived experience with homelessness alternate seat and the low income seat on the Commission (which is not currently open). The applicant indicates they are a Student Research, Peer Mentor for University of California, Berkeley. The

spouse sections of this application indicate they are a teacher's aide." Their application indicates that they rent property in the City of San José 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.

AMELIA RIOS: This application was submitted on April 14, 2023 and they are applying for the lived experience with homelessness alternate member seat. According to the application, the applicant resides in Council District 4. The applicant indicates in the employment section that they are a senior pastor at the Church Matriarch. The spouse sections of this application indicate "none." 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:

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 Motel 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.

LYNNARD BARNES: The applicant resides in Council District 2. This application was submitted on August 31, 2023. This applicant indicates in the employment section that they are employed with PG&E as an Engineering Estimator." The spouse sections of this application indicates their spouse is also employed at PG&E as a Customer Service Rep. Their application indicates that they own property in San José. 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.

TODD DAVIDSON: The applicant resides in Council District 9. This application was submitted on October 20, 2023. Their application indicates that they own property in San José. This application indicates they are mostly retired and doing some consulting work, with their prior full time employment in clean energy and water solutions. The spouse section indicates "N/A". The applicant owns their home. 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.

ANGELIE DO: The applicant resides in Council District 2. This application was previously submitted on October 27, 2023. Their application indicates that they own property in San José. This application indicates the applicant's employment is as a Pharmacist at Viet Town Pharmacy. The applicant's spouse sections of this application indicates "N/A". Their application indicates that they own, lease, or manage properties subject to the City's Mobilehome Rent Ordinance. Since the mobilehome owner representative role is currently filled, a conflict of interest may arise when there are items discussed at Commission impacting mobilehomes. In such cases, the Commissioner will likely need to recuse themselves when such matters are brought before the Commission. Additionally, the applicant indicates they are also a licensed realtor. 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 work as a realtor, 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.

GABRIELA GABRIAN: This application was submitted on February 3, 2024 and the applicant is applying for the Low Income member seat which is not currently open. Their application indicates that they are the Chair of the LEABsv (Lived Experience Advisory Board Silicon Valley), and are on the board of Grace Solutions and CHAM. According to the application, the applicant resides in Council District 6. The applicant indicates that they are employed by County of San Mateo as a Design Review Administrator/Planner. Their application indicates that they rent property in the City of San José but it is not subject to rent control. The spouse sections of this application indicates "N/A." 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.

GLEN JIA: This application was submitted on January 22, 2024. According to the application, the applicant resides in Council District 6. The applicant indicates that they are employed by County of San Mateo as a Design Review Administrator/Planner. Their application indicates that they rent property in the City of San José but it is not subject to

rent control. The spouse section of this application indicates they are employed with the County of San Mateo also as a Building Permit Technician. 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.

SANELA METOVIC: This application was submitted on June 29, 2023. The applicant resides in Council District 6. The applicant discloses that they reside and rent a rent-controlled property, as well as manage a rent-controlled property on behalf of their parents. The application indicates that they are self-employed. The spouse sections of this application indicate "N/A." Since the landlord role is currently filled, managing a property covered by the Apartment Rent Ordinance creates a financial conflict of interest when there are items discussed at Commission impacting such properties which is a regular occurrence. In such cases, the Commissioner will need to recuse themselves when such matters are brought 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.

CONCLUSION

Except as noted in the review of applicants Elizabeth Agramont-Justinniano, Angelie Do, and Sanela Metovic, 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
Rosalynn Hughey, Interim Director of Housing

Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Nora Frimann
City Attorney

**SUBJECT: LIBRARY AND EDUCATION
COMMISSION APPLICANTS**

DATE: April 29, 2024

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

In order to analyze potential conflicts, it is necessary to consider the duties of the particular commission for which the applicant is seeking appointment. Of the Library and Education fifteen-member Commission, at least four members of the Commission shall have a background in education subject matter expertise. The Library and Education Commission is an advisory body which makes recommendations to the Mayor and City Council, City Manager, and the Director of Library Services respecting existing and proposed library facilities, the utilization of such facilities, their use and operation, the extent and nature of library services to be rendered to the public, the financing of libraries and of their operations and services, and other matters respecting the library system. The Commission will also study, evaluate, review and provide advice to the Council, the City Manager, the City Librarian, and other department heads designated by the City Manager on all matters and issues related to early education and childcare.

APPLICANTS

The application from the applicants listed below was reviewed by our office. This review was limited to the information provided on the application and was not intended to be a comprehensive investigation of potential conflicts involving the applicant. 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 (“PRA”).
- 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, 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 is the applicant 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 on the application.

Alexis Steen – Ms. Steen is currently employed as a Vice President at HomeStreet Bank in Santa Clara, CA. It is possible that the Commission could consider a matter involving HomeStreet Bank which may present an actual conflict of interest or appearance of bias. In such a case, Ms. Steen may need to disqualify herself from taking part in the Commission’s decision on that matter. Otherwise, the application discloses no incompatible offices nor apparent conflicts of interest.

Westley Baker – Mr. Baker is currently employed as a Solutions Executive at Scholastic Education Solutions in New York, NY. It is possible that the Commission could consider a matter involving Scholastic Education Solutions which may present an

actual conflict of interest or appearance of bias. In such a case, Mr. Baker may need to disqualify himself from taking part in the Commission's decision on that matter. Otherwise, the application discloses no incompatible offices nor apparent conflicts of interest.

Aaron Zeelig – Mr. Zeelig is currently employed as a Director of Social Services at LifeSTEPS in Sacramento, CA. It is possible that the Commission could consider a matter involving LifeSTEPS which may present an actual conflict of interest or appearance of bias. In such a case, Mr. Zeelig may need to disqualify himself from taking part in the Commission's decision on that matter. Otherwise, the application discloses no incompatible offices nor apparent conflicts of interest.

Seema Kale – Ms. Kale is currently a School Site Library Media Clerk at Cupertino Union School District in Sunnyvale, CA. Her spouse is currently employed as a senior software engineer at Apple, Inc. in Cupertino, CA. It is possible that the Commission could consider a matter involving Cupertino Union School District or Apple, Inc. which may present an actual conflict of interest or appearance of bias. In such a case, Ms. Kale may need to disqualify herself from taking part in the Commission's decision on that matter. Otherwise, the application discloses no incompatible offices nor apparent conflicts of interest.

Lawrence Dietz – Mr. Dietz is currently a self-employed attorney in San Jose, CA. He also teaches online for the American Public University System, Institute of World Politics and the Monterey College of Law. His spouse is currently employed as a professor at San Jose State University in San Jose, CA. It is possible that the Commission could consider a matter involving a prior or current client of Mr. Dietz, or a matter involving the American Public University System, Institute of World Politics, the Monterey College of Law, or the San Jose State University, which may present an actual conflict of interest or appearance of bias. In such a case, Mr. Dietz may need to disqualify himself from taking part in the Commission's decision on that matter. Otherwise, the application discloses no incompatible offices nor apparent conflicts of interest.

Vishy Narayan – Mr. Narayan is currently a technology consultant in San Jose, CA. His spouse is currently employed as a senior manager at Commscope. It is possible that the Commission could consider a matter involving a prior or current client of Mr. Narayan or Commscope which may present an actual conflict of interest or appearance of bias. In such a case, Mr. Narayan may need to disqualify himself from taking part in the Commission's decision on that matter. Otherwise, the application discloses no incompatible offices nor apparent conflicts of interest.

Gerard Roney – Mr. Roney is currently retired, along with his spouse in San Jose, CA. He receives a small pension from O'Connor Hospital. It is possible that the Commission could consider a matter involving O'Connor Hospital which may present an actual conflict of interest or appearance of bias. In such a case, Mr. Roney may need to

disqualify himself from taking part in the Commission's decision on that matter. Otherwise, the application discloses no incompatible offices nor apparent conflicts of interest.

Haneet Goraya – Ms. Goraya is currently employed as a school psychologist with the San Jose Unified School District in San Jose, CA. It is possible that the Commission could consider a matter involving San Jose Unified School District which may present an actual conflict of interest or appearance of bias. In such a case, Ms. Goraya may need to disqualify herself from taking part in the Commission's decision on that matter. Otherwise, the application discloses no incompatible offices nor apparent conflicts of interest.

CONCLUSION

The applicants do not appear to hold any incompatible office or have any apparent conflicts that would prevent them from serving on the Library and Education Commission based upon the application submitted. Some of the applicants may be precluded from participating in matters involving their employer or the entities of which they are officers or members. Where this may be the case, they must abstain from participating in that Library and Education Commission agenda matter. The City Council may wish to consider the above comments in making its appointments to the Commission.

NORA FRIMANN
City Attorney

By /s/ Omar El-Qoulaq
Omar El-Qoulaq
Chief Deputy City Attorney

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

Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Nora Frimann
City Attorney

SUBJECT: Measure T Community
Oversight Committee

DATE: April 30, 2024

BACKGROUND

This Office routinely reviews applications to City Boards, Commissions and Committees. 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 for the Measure T Community Oversight Committee. 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.

COMMITTEE DUTIES

The Measure T Community Oversight Committee ("Measure T Committee") was established pursuant to Resolution No. 79165 that the City Council adopted on June 18, 2019. Per Resolution No. 79165, the Measure T Committee is required to meet once each year and has the following responsibilities:

1. Review the expenditure of the proceeds of Measure T Bonds to ascertain consistency with the voter approved purposes for the funds;
2. In connection with the review of expenditures of Measure T Bonds, review and forward to the City Council the City Auditor's separate audit of the proceeds of the Measure T Bonds as well as the Director of Finance's annual report on the amount of Measure T Bonds issued and the amount of ad valorem tax collected for each prior fiscal year ending June 30th; and
3. Review the status of projects funded with the proceeds of Measure T Bonds and forward a status report on the pending Measure T projects to the City Council.

COMMITTEE MEMBERSHIP

The Measure T Committee is to be comprised of fifteen members, with each member nominated pursuant to the process set forth in San José Municipal Code 2.08.180, as may be amended. Each Councilmember recommends one Committee member who is a resident of the district of the nominating Council Office. The Mayor recommends five members as citywide representatives, with each member possessing subject matter

expertise in one of the following fields: public safety, environmental issues, labor, business, and finance or accounting. Each of the nominations shall be considered by the full Council for formal appointment. Nominees must be residents of San José. Subject matter expertise in the fields of emergency and disaster response, public safety, finance, and/or transportation is highly desirable.

APPLICANTS

Hai Bui – Mr. Bui resides in District 2. He is a principal software engineer with VMware based in Palo Alto, CA. The responses in the application also suggest an interest in the Planning Commission.

Enrique Arguello – Mr. Arguello resides in District 5. He is a business manager and chief executive officer for LIUNA Laborers Union Local 270. The application indicates that he campaigned for Measure T and was a previous Measure T Oversight Committee member.

Monica Rodriguez – Ms. Rodriguez resides in District 7. She is a courtesy clerk with Nob Hill Foods Market in Campbell, CA.

Emily Esparza – Ms. Esparza resides in District 10. She is a Vice President of Culture & Community Engagement for National University.

CONCLUSION

The applicants do not appear to hold any incompatible offices or to have conflicts of interest that would preclude them from serving on the Measure T Committee. None of the applicants have subject matter expertise to be citywide representatives but may be nominated as a resident of their district. The City Council may wish to consider the above comments in considering the appointment to the Measure T Committee.

NORA FRIMANN

City Attorney

/s/

By _____

Rosa Tsongtaarii

Chief Deputy City Attorney

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

Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Nora Frimann
City Attorney

SUBJECT: Planning Commission
Applicants

DATE: June 10, 2024

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
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 1

Alexis Steen applied on November 24, 2023. Ms. Steen is employed as a Vice-President Branch Manager for HomeStreet Bank located in Santa Clara. She does not own property in San José. If appointed, Ms. Steen may need to abstain from participating in decisions that potentially affect her employer.

Council District 2

Carlos Rosario (incumbent) reapplied on April 19, 2024. Mr. Rosario is employed as Senior Lead Product Counsel for Confluent in Mountain View. Mr. Rosario also currently serves on a number of boards for community organizations. Mr. Rosario owns real property located at 282 Bluefield Drive in San José. If reappointed, Mr. Rosario may need to abstain from participating in decisions that may affect his employer, his San José real property, and decisions that may affect the non-profit organizations for which he serves.

Hai Bui applied on April 2, 2023. Ms. Bui is employed as a Principal Software Engineer with VMware in Palo Alto. Ms. Bui owns real property located at 305 Crestridge Court in San José. If appointed, Ms. Bui may need to abstain from participating in decisions that potentially affect her employer and real property interests in San José.

Council District 3

Anthony Tordillos (incumbent) reapplied on March 23, 2024. Mr. Tordillos is employed as a software engineer at Google in Mountain View. His spouse is a scientist at Grace Science LLC in Menlo Park. Mr. Tordillos owns real property located at 483 S. 6th Street in San José. If reappointed, Mr. Tordillos may need to abstain from participating in decisions that potentially affect his or his spouse's employer and his real property interests.

Huy Tran applied on April 19, 2023. Mr. Tran is a partner at Justice at Work Law Group, LLP, located in San José. His spouse is a Program Associate for the David and Lucille Packard Foundation located in Los Altos. Mr. Tran currently does not own property in San José. If appointed, Mr. Tran may need to abstain from participating in decisions that potentially affect his or his spouse's employer.

Steve Cohen applied on March 18, 2024. Mr. Cohen is a manager at Mojmir Properties LLC in San José. Mr. Cohen owns the following properties in San José: 470 South 3rd Street, 255 North 5th Street, 520 South 3rd Street, 477 South 3rd Street, 546 South 3rd Street. If appointed, Mr. Cohen may need to abstain from participating in decisions that potentially affect his employer and his real property interests.

Council District 6

Charles Cantrell (incumbent) reapplied on April 18, 2024. Mr. Cantrell is the Director of Housing and Development for the San José Conservation Corps. His spouse is a Research Administrator for Stanford University. Mr. Cantrell does not currently own property in San José. If reappointed, Mr. Cantrell may need to abstain from participating in decisions that potentially affect his or his spouse's employers.

Sara Ghalandari applied on November 12, 2023. She currently sits on the Historic Landmarks Commission but confirmed on April 18, 2024, that she would like to be considered for the Planning Commission. She is an attorney with Gibson Dunn & Crutcher LLP. Her spouse is an attorney with Messing Adam & Jasmine LLP. She owns real property located at 1746 Jonathan Avenue in San José. If appointed, Ms. Ghalandari may need to abstain from participating in decisions that present a conflict with her or her spouse's work and/or clients and her real property interests.

Council District 7

Sylvia Ornelas-Wise (incumbent) reapplied on April 18, 2024. Ms. Ornelas-Wise is a Land Use Consultant for Wise Consultant Group LLC. Her spouse is an HVAC Mechanic for Santa Clara County. Ms. Ornelas-Wise owns real property located at 1162 Beaconsfield Road in San José. If reappointed, Ms. Ornelas-Wise may need to abstain from participating in decisions that potentially affect her or her spouse's employers.

Monica Rodriguez applied on May 20, 2023. Ms. Rodriguez is employed as a Courtesy Clerk at Nob Hill Foods Market located in San José. Ms. Rodriguez does not currently own property in San José. If appointed, Ms. Rodriguez may need to abstain from participating in decisions that potentially affect her employer.

Council District 8

Dilpreet Bhandal applied on May 23, 2024. Mr. Bhandal is self-employed and does not own property in San José. If appointed, Mr. Bhandal may need to abstain from participating in decisions that potentially affect his small business.

Shannon Bergman applied on June 1, 2023. Ms. Bergman is semi-retired and her spouse is retired. Ms. Bergman owns real property located at 6050 Montgomery Bend in San José. If appointed, Ms. Bergman may need to abstain from participating in decisions that potentially affect her real property interests.

Vallachi Palaniappan applied on April 1, 2024. Ms. Palaniappan is a Program Manager at AMD. Her spouse is a Manager at Realization Technologies. Ms. Palaniappan owns real property located at 2756 Clara Smith Place in San José. If appointed, Ms. Palaniappan may need to abstain from participating in decisions that potentially affect her or her spouse's employers and her real property interests.

Council District 9

Jon Budas applied on June 17, 2023. Mr. Budas is self-employed as a carpenter and his spouse is retired. Mr. Budas owns real property located at 941 Dry Creek Road (listed as a Campbell address but located inside the boundary of San José) and at 1061 Westwood Drive in San José. If appointed, Mr. Budas may need to abstain from participating in decisions that potentially affect his remodeling or contractor projects and his real property interests.


Michitaka Sachihiko applied on June 28, 2023. Mr. Sachihiko is self-employed. He owns real property located at 1442 Sprucewood Drive in San José. If appointed, Mr. Sachihiko may need to abstain from participating in decisions that potentially affect 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

Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Nora Frimann
City Attorney

SUBJECT: Conflicts Review Senior
Citizens' Commission
Applicants

DATE: May 7, 2024

BACKGROUND

The City Attorney's 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 Senior Citizens' Commission is responsible for studying, reviewing, evaluating and making recommendations to the Council on matters affecting elderly people in the City.

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, 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.

REVIEW OF APPLICANT

Set forth below is the applicant 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 on the applications.

Belinda Quesada – Belinda Quesada’s application indicates she is currently unemployed. She previously worked 25 years for the County of Santa Clara Social Services Agency, 5 of which they served as a Commission Liaison. She also worked as an Employment Counselor for the Department of Employment & Benefit Services. The application discloses no incompatible offices nor apparent conflicts of interest.

Guadalupe Gonzalez – Guadalupe Gonzalez’s application indicates Guadalupe is a retired Santa Clara County employee for the Office of Education. Guadalupe’s spouse, now deceased, worked as a Manager for Santa Clara Valley Water District. The application also discloses that Guadalupe serves as President of the Mayfair Seniors Advisory Board, and as a member of East Side Presidents NA Coalition. If the Commission considers a matter involving the East Side Presidents NA Coalition, it may present an actual conflict or appearance of bias. In such a case, Guadalupe Gonzalez may need to disqualify herself from taking part in the Commission’s decision on that matter. Otherwise, the application discloses no incompatible offices nor apparent conflicts of interest.

Jesus Lorenzo Carillo Arciniega – Jesus Lorenzo Carillo Arciniega’s application indicates he is currently employed as a Senior Operating Clerk 1 at Pacific, Gas & Electric (PG&E). Jesus Lorenzo was also previously a Trustee for the Aztlan Academy of Ethnic Heritage – San Jose, a prior Vestry member at the Trinity Episcopal Cathedral, and a prior chair at the AFL – CIO Young Workers Advisory Council. If the Commission considers a matter involving the organizations listed above, it may present an actual conflict or appearance of bias. In such a case, he may need to disqualify himself from taking part in the Commission’s decision on that matter. Otherwise, the application discloses no other incompatible offices nor apparent conflicts of interest.

Linda Kincaid – Linda Kincaid’s application indicates she is currently not employed. The application discloses no incompatible offices nor apparent conflicts of interest.

Mary Anne Mendall – Mary Anne Mendall’s application indicates she is retired and currently not employed. The application discloses no incompatible offices nor apparent conflicts of interest.

Rosanna Herrera – Rosana Herrera’s application indicates she is retired and currently not employed. The application discloses no incompatible offices nor apparent conflicts of interest.

Lori Rodrigues – Lori Rodrigues’s application indicates she is retired and currently not employed. The application discloses no incompatible offices nor apparent conflicts of interest.

CONCLUSION

The applicants do not appear to hold any incompatible office or have any apparent conflicts that would prevent him or her from serving on the Senior Commission based upon the application submitted. Some of the applicants may be precluded from participating in matters involving their employer or the entities of which they are owners, officers or members. Where this may be the case, they must abstain from participating in that Senior Commission agenda matter. The City Council may wish to consider the above comments in making its appointments to the Commission.

NORA FRIMANN
City Attorney

By /s/ Kevin Fisher
Kevin Fisher
Assistant City Attorney

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