

3.3 Appeals Hearing Board Interview.

Recommendation:

(a) Interview applicants and consider appointment to fill one Member-at-Large seat with a term ending December 31, 2025 on the Appeals Hearing Board.

(b) If any vacancies remain, direct the City Clerk to continue recruitment efforts and bring forward additional applicants for consideration.

CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Clerk)



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Toni J. Taber, CMC
City Clerk

SUBJECT: APPEALS HEARING BOARD
INTERVIEW

DATE: April 24, 2024

RECOMMENDATION

- (a) Interview applicants and consider appointment to fill one (1) Member-at-Large seat with a term ending December 31, 2025 on the Appeals Hearing Board.
- (b) If any vacancies remain, direct the City Clerk to continue recruitment efforts and bring forward additional applicants for consideration.

OUTCOME

Appointment of one applicant to ensure seven seated members on the seven-member Appeals Hearing Board.

BACKGROUND

Under San José Municipal Code Section 2.08.620, the Appeals Hearing Board has the following functions, powers, and duties:

- A. Hear all administrative hearings and appeals authorized by this Code or by ordinance.
- B. Conduct all administrative abatement action hearings authorized by this Code or by ordinance.
- C. Perform the functions and duties within the jurisdiction of the code enforcement appeals commission and traffic appeals commission as set forth in other titles of this Code.
- D. Perform such other programs or functions related to administrative hearings and appeals that the city council or the city manager may, from time to time, authorize or request.
- E. Hear and determine, consistent with city policies, appeals from orders of the city traffic engineer pertaining to citizen requests for stop control devices.
- F. Issue decisions, consistent with city policies, to the city traffic engineer on the subject of installing stop signs at street intersections.

Per Council Policy 0-4, Consolidated Policy Governing Boards and Commissions, applicants who were not appointed to a Board or Commission will have their applications maintained on file in the City Clerk's Office for a period of one year from the date of application.

There is one vacancy on the Appeals Hearing Board. The appointment is for one (1) Member-at-Large seat with a term ending December 31, 2025 on the Appeals Hearing Board. Members-at-Large are eligible for reappointment to the Board to successive four-year terms under the San José Municipal Code Section 2.08.630.

ANALYSIS

As required by Council Policy 0-4, the appointment process for the Appeals Hearing Board includes the City Council holding a public interview of the applicants. The applicants have been invited to be interviewed by the City Council on May 14, 2024. Successful applicants must receive six (6) or more votes to be appointed to the Board. If the seat(s) remain unfilled, it is recommended that the recruitment be referred to the City Clerk to ensure additional applications for consideration by Council in 90 days. After the interview, the Council may make an appointment for a term ending on December 31, 2025. Applications are attached to this memorandum. A memorandum from the Office of the City Attorney regarding their review for potential conflicts of interests is also included.

PUBLIC OUTREACH

This memorandum has been posted on the City Clerk's website as part of the May 14, 2024 City Council Meeting Agenda.

COORDINATION

This memorandum has been coordinated with the Office of the City Attorney.

COMMISSION RECOMMENDATION/INPUT

The recommended actions have no commission input or recommendation.

CEOA

Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment.



TONI J. TABER, CMC
City Clerk

For questions, please contact Toni J. Taber, City Clerk, at (408) 535-1260.



Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: NORA FRIMANN
City Attorney

SUBJECT: Appeals Hearing Board
Applicant

DATE: April 22, 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 application. To analyze potential conflict, it is necessary to consider the duties of the commission or committee to which the applicant is seeking appointment. This review is limited to the information provided on the application and is not intended to be comprehensive investigation of potential conflicts involving the applicant.

BOARD DUTIES

The Appeals Hearing Board sits as a quasi-judicial Board which hears code enforcement appeals of blighted conditions; illegal building activity; unsafe and unsanitary living conditions; abandoned, dismantled and inoperative vehicles; neglected vacant houses; weed abatement liens; garbage liens; police permittee denials or revocations; sign removal fees; stop control devices or traffic sign appeals; and utility billing and graffiti abatement fees. The Board has the authority to impose certain penalties in lieu of criminal and civil judicial enforcement. At least one member of the Board must be an attorney licensed to practice law in the State of California.

APPLICANT

Applications from the applicants listed below were reviewed by our Office. Unless otherwise indicated, the applications do not disclose any incompatible offices or apparent conflicts of interest that would substantially impair the functioning of the Board.

LEGAL CONFLICTS THAT MAY PRECLUDE VOTE OR PARTICIPATION

Certain positions may preclude a member from participating in the Board discussion or from voting if a matter involving the entity comes before the Board. 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 member within the 12 months preceding the start of the Board term, as defined under the Political Reform Act.
- An application shows sources of income to a Spouse or Domestic Partner of a potential member within the 12 months preceding the start of the Board 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 Board.
- Proximity of the property before the Board to the applicant’s residence or business.

APPEARANCE OF BIAS

There may be facts which would not amount to a legal conflict of interest requiring a member to recuse him or herself from a Board vote or discussion, however the relationship could create an appearance of bias on the part of the member. City Council policy requires members to be free of bias in their decision making and may require a member 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 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 Board in some manner, as identified in their application.

Willie Adams – Mr. Adams is unemployed due to disability. He was the Chief Financial Officer of a business-to-business organization. Mr. Adams previously served on the Appeals Hearing Board from 1999 to 2006 as a Commissioner and Chair.

CONCLUSION

The applicant does not appear to hold incompatible offices or to have pervasive conflicts of interest that would preclude them from serving on the Appeals Hearing Board. The applicant states they reside in San José. The Committee may wish to consider the above comments in making its recommendations regarding any appointment to the Appeals Hearing Board.

William Hale – Mr. Hale is unemployed and is a labor relations representative and union organizer. He previously sat on the Equal Employment Opportunity Advisory Committee for Sacramento County and served in the U.S. Navy.

CONCLUSION

The applicant does not appear to hold incompatible offices or to have pervasive conflicts of interest that would preclude them from serving on the Appeals Hearing Board. The applicant states they reside in San José. The Committee may wish to

consider the above comments in making its recommendations regarding any appointment to the Appeals Hearing Board.

NORA FRIMANN
City Attorney

By /s/ Leanne Bolaño
Deputy City Attorney

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

Boards and Commissions Application

Profile

Please note, applications are continuously accepted to the City of San Jose Boards and Commissions. The Board or Commission you select may or may not indicate there is a vacancy. Your application will remain on file for one year from the date of submission. During the year, your application may be considered for unanticipated vacancies.

Additionally, applicants to the following commissions will be required to fill out a [Form 700](#) (California State required Statement of Economic Interest) within 30 days of appointment.

- Airport Commission
- Appeals Hearing Board
- Arena Authority
- Arts Commission
- Civil Service Commission
- Deferred Compensation Advisory Committee (DCAC)
- Downtown Parking Board
- Board of Fair Campaign and Political Practices (formerly Ethics Commission)
- Federated and Police & Fire Retirement Boards
- Historic Landmarks Commission
- Housing & Community Development Commission
- Work2future (SVWIB) Board
- Planning Commission*

Willie _____ Adams _____
 First Name Last Name

_____ _____
 Email Address

_____ _____
 Street Address

_____ _____
 Suite or Apt

_____ _____
 City

_____ _____
 State

_____ _____
 Postal Code

Are you a resident of San Jose?

Yes No

What district do you live in? To verify, please click here:
<https://rovservices.sccgov.org/Home/IndexPost?selected=dt&electionId=133&distance=5&navtab=vc&asm=simple> *

District 2

Home: _____
 Primary Phone

Mobile: _____
 Alternate Phone

Length of Residency

6 or more years

Which Boards would you like to apply for?

Appeals Hearing Board: Submitted



Employer

Job Title

Current Employer Address

n/a

Current Employer of Spouse

n/a

Address of Current Employer of Spouse

n/a

Spouse's Job Title

n/a

If you or your spouse is retired and receiving a pension, please state source of pension.

n/a





Interests & Experiences

High School, College, Professional, Vocational, or Other Schools Attended. Please include Major or Field of Study, Dates Attended, Degree and Date of Degree.

Oak Grove High school, Paralegal certification and degree program, reserve police officer certification program, AA degree 1990

List any position or office held in any governmental agency, civic, or charitable organization including the dates.

San Jose Appeals Commissioner 1999-2001 Homeless Children Networks 1986-2001

Languages Spoken

english/spanish

Special Awards or Recognitions Received

San Jose Citizens award from Mayors Office, Award for serving on Board and Commissions 99-06

Please state why you want to become a member of this Board or Commission including specific objectives which you would work toward as a member.

To offer my ability to be open minded but focused on the agenda. The natural ability to understand people of colors struggle, but accept everyone. I represent some who made bad decisions in life, but have turn them around to live a positive lifestyle.

Please state any other information which you feel would be useful in reviewing your application

I have a good understanding of the challenges both the Code Enforcement and Police Dept. have with violations. I also understand the Citizens position, but I will always be fair in my decisions

Do you own property in the City of San José?

Yes No

If yes, please list the addresses here.

Do you rent property in the City of San José?

Yes No

If yes, is it a month-to-month lease?

Yes No

Question applies to multiple boards

Are you currently experiencing homelessness or have you experienced it in the past?

Yes No

State and local law require that you abstain from participation in decisions that may affect your financial interests, including sources of income, interest in real property, personal finances or investments. In addition, if appointed, you may be required to fill out a disclosure statement which identifies certain financial interest beginning with the immediate twelve-month period prior to your appointment. Please review the scope of your board/commission in Municipal Code Chapter 2.08. Based on your best judgment, does this Board or Commission make decisions that may affect sources of income, interests in real property, personal finances or investments of you or your spouse?

Yes No

If yes, please explain. Please identify any organizations, associations, corporations, or entities by which you are employed or associated that might be affected by decisions of this Board or Commission, and the positions you hold in these entities.

Question applies to multiple boards

If appointed, you will be required to fill out a disclosure statement, which identifies certain of your financial interests beginning with the immediate twelve-month period prior to your appointment and annually on or before April 1 of each year thereafter. Please confirm that you have read Fair Political Practices Commission (FPPC) Form 700 Reference Pamphlet and agree to file required FPPC Form 700 Statements of Economic Interest, as required by current City Council Conflict of Interest resolution.

Yes No

Question applies to multiple boards

Have you ever been required to file a Statement of Economic Interest (Form 700) and failed to do so?

Yes No

Question applies to multiple boards

If yes, please explain in complete detail.

Question applies to multiple boards

Please confirm that you have reviewed and agree to comply with the San Jose Municipal Code Chapter 12.08 (Prohibition of Gifts), City of San Jose Ethics Policy (City Policy Manual 1.2.1), and City of San Jose Gift Policy (City Policy Manual 1.2.2).

Yes No

Reference 1 Name

April Silas

Reference 1 Address

[REDACTED]

Reference 1 Email address

[REDACTED]

Reference 1 Phone

Reference 2 Name

Reference 2 Address

Reference 2 Email address

Reference 2 Phone

Supplemental Questions

Question applies to Appeals Hearing Board, Civil Service Commission

Are you an attorney licensed to practice law in the State of California? If you are, please provide your California State Bar Association Number:

no

If applicable, have you ever attended or watched a meeting of the Commission(s) to which you are applying?

Yes No

Would you be available to attend meetings at the scheduled time?

Yes No

Willie Adams

Please describe your experience in serving on a Commission or Board.

I had the pleasure of serving on the San Jose Appeals Hearing Board from 1999 to 2006.
Served as a Commissioner and The Chair

Considering your experience and activities in business, labor, School, professional, social, Commissions, Boards, or other organizations, indicate the experience, training, knowledge and/or skills which qualify you for appointment.

I have served as CFO with a B2B organization. I have worked with a large Non profit serving low income families.

What is your understanding of the purpose of the Commission?

The Appeals Hearing Board hears code enforcement cases such as blighted conditions, illegal building activity, unsafe and unsanitary living conditions, abandoned, dismantled and inoperative vehicles on private property, neglected vacant houses, weed abatement liens, garbage liens and other matters. The Board also hears appeals of police permit denials or revocations, which cover several area.

Please list three issues facing the City that you feel the Council should address.

Homelessness, More Policeman on streets, blight

Question applies to multiple boards

Do you meet the requirements for appointment to this commission?

Yes No

Anything else you would like us to know?

I am an African American male who has learned from my mistakes, making a commitment to give back to my community.

(Optional) Please upload a resume.

Retirement Board Questions Only

Verification

By checking the box below, you agree with the following statement.

I agree that all of the information contained in my responses to the questions on this application are true and accurate to the best of my knowledge. I further agree that, by checking the box below and submitting this application, online or otherwise, I am affixing my digital signature to this form as of the date submitted.

I Agree *

Boards and Commissions Application

Profile

Please note, applications are continuously accepted to the City of San Jose Boards and Commissions. The Board or Commission you select may or may not indicate there is a vacancy. Your application will remain on file for one year from the date of submission. During the year, your application may be considered for unanticipated vacancies.

Additionally, applicants to the following commissions will be required to fill out a [Form 700](#) (California State required Statement of Economic Interest) within 30 days of appointment.

- Airport Commission
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- Downtown Parking Board
- Board of Fair Campaign and Political Practices (formerly Ethics Commission)
- Federated and Police & Fire Retirement Boards
- Historic Landmarks Commission
- Housing & Community Development Commission
- Work2future (SVWIB) Board
- Planning Commission*

William

First Name

Hale

Last Name

[Redacted]

Email Address

[Redacted]

Street Address

[Redacted]

Suite or Apt

[Redacted]

City

[Redacted]

State

[Redacted]

Postal Code

Are you a resident of San Jose?

Yes No

What district do you live in? To verify, please click here:

[https://rovservices.sccgov.org/Home/IndexPost?](https://rovservices.sccgov.org/Home/IndexPost?selected=dt&electionId=133&distance=5&navtab=vc&asm=simple)

[selected=dt&electionId=133&distance=5&navtab=vc&asm=simple](https://rovservices.sccgov.org/Home/IndexPost?selected=dt&electionId=133&distance=5&navtab=vc&asm=simple) *

District 3

Mobile: [Redacted]

Primary Phone

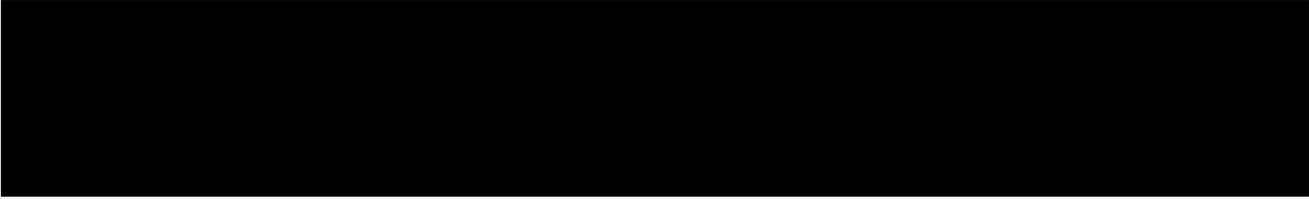
Alternate Phone

Length of Residency

Less than 1 year

Which Boards would you like to apply for?

Appeals Hearing Board: Submitted



NA
Employer

NA
Job Title

Current Employer Address

NA

Current Employer of Spouse

NA

Address of Current Employer of Spouse

NA

Spouse's Job Title

NA

If you or your spouse is retired and receiving a pension, please state source of pension.

Unemployed





Interests & Experiences

High School, College, Professional, Vocational, or Other Schools Attended. Please include Major or Field of Study, Dates Attended, Degree and Date of Degree.

I am a Labor Relations Representative and Union Organizer. My interests are the just needs of the Community and ensuring Municipal agencies work in the interest of their Constituents.

List any position or office held in any governmental agency, civic, or charitable organization including the dates.

U.S. Navy

Languages Spoken

English

Special Awards or Recognitions Received

National Defense Medal

Please state why you want to become a member of this Board or Commission including specific objectives which you would work toward as a member.

I wish to give back to my community, the community I was born and raised in to ensure that the Municipal body is conducting itself fairly in regards to the residents of this City.

Please state any other information which you feel would be useful in reviewing your application

As a Labor Relations Representative for Public Sector workers, I am quite familiar with legal processes.

Do you own property in the City of San José?

Yes No

If yes, please list the addresses here.

Do you rent property in the City of San José?

Yes No

If yes, is it a month-to-month lease?

Yes No

Question applies to multiple boards

Are you currently experiencing homelessness or have you experienced it in the past?

Yes No

State and local law require that you abstain from participation in decisions that may affect your financial interests, including sources of income, interest in real property, personal finances or investments. In addition, if appointed, you may be required to fill out a disclosure statement which identifies certain financial interest beginning with the immediate twelve-month period prior to your appointment. Please review the scope of your board/commission in Municipal Code Chapter 2.08. Based on your best judgment, does this Board or Commission make decisions that may affect sources of income, interests in real property, personal finances or investments of you or your spouse?

Yes No

If yes, please explain. Please identify any organizations, associations, corporations, or entities by which you are employed or associated that might be affected by decisions of this Board or Commission, and the positions you hold in these entities.

Question applies to multiple boards

If appointed, you will be required to fill out a disclosure statement, which identifies certain of your financial interests beginning with the immediate twelve-month period prior to your appointment and annually on or before April 1 of each year thereafter. Please confirm that you have read Fair Political Practices Commission (FPPC) Form 700 Reference Pamphlet and agree to file required FPPC Form 700 Statements of Economic Interest, as required by current City Council Conflict of Interest resolution.

Yes No

Question applies to multiple boards

Have you ever been required to file a Statement of Economic Interest (Form 700) and failed to do so?

Yes No

Question applies to multiple boards

If yes, please explain in complete detail.

Question applies to multiple boards

Please confirm that you have reviewed and agree to comply with the San Jose Municipal Code Chapter 12.08 (Prohibition of Gifts), City of San Jose Ethics Policy (City Policy Manual 1.2.1), and City of San Jose Gift Policy (City Policy Manual 1.2.2).

Yes No

Reference 1 Name

Peter Ortiz

Reference 1 Address**Reference 1 Email address**

[REDACTED]

Reference 1 Phone

[REDACTED]

Reference 2 Name

Rebeca Armendariz

Reference 2 Address**Reference 2 Email address**

[REDACTED]

Reference 2 Phone

[REDACTED]

Supplemental Questions

Question applies to Appeals Hearing Board, Civil Service Commission

Are you an attorney licensed to practice law in the State of California? If you are, please provide your California State Bar Association Number:

No

If applicable, have you ever attended or watched a meeting of the Commission(s) to which you are applying?

Yes No

Would you be available to attend meetings at the scheduled time?

Yes No

Please describe your experience in serving on a Commission or Board.

I was appointed for a short time (Got sick and resigned position in the best interest of the community) to Equal Employment Opportunity Advisory Committee, Sacramento County.

Considering your experience and activities in business, labor, School, professional, social, Commissions, Boards, or other organizations, indicate the experience, training, knowledge and/or skills which qualify you for appointment.

I have been a Labor Relations Representative, specifically for public employees, for some years now. It gives me a unique and qualifying experience in dealing with legal processes, handling public inquiries, hearings, meditations, arbitrations, etc.

What is your understanding of the purpose of the Commission?

To hear and decide on the merits of Appeals of various elements of City Code Enforcement, as well as Permit Denials, utility billing, etc.

Please list three issues facing the City that you feel the Council should address.

Homelessness, Mental Health, Education

Question applies to multiple boards

Do you meet the requirements for appointment to this commission?

Yes No

Anything else you would like us to know?

(Optional) Please upload a resume.

Retirement Board Questions Only

Verification

By checking the box below, you agree with the following statement.

I agree that all of the information contained in my responses to the questions on this application are true and accurate to the best of my knowledge. I further agree that, by checking the box below and submitting this application, online or otherwise, I am affixing my digital signature to this form as of the date submitted.

I Agree *