



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Lee Price, MMC
City Clerk

SUBJECT: ELECTIONS COMMISSION
INTERVIEW

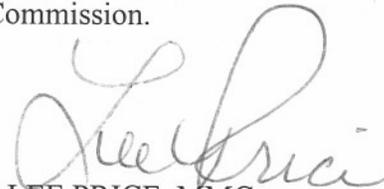
DATE: May 10, 2006

The following applicant has applied for the unexpired vacancy (term ending March 1, 2007) as the attorney representative on the Elections Commission:

April Lin Walsh

Please review the attached application submitted by Ms. Walsh and the City Attorney's accompanying memorandum. Ms. Walsh will attend the City Council meeting on May 16, 2006 and is prepared to be interviewed by the full Council during open session.

The applicant must receive a two-thirds vote (8) of the Council to be appointed to serve on the Elections Commission. We will use for the first time the new voting system, which has been customized to provide you with a "ballot free" method to cast your vote. If for any reason the applicant does not receive eight or more votes, please give direction to the City Clerk to re-advertise for this critical vacancy on the Elections Commission.



LEE PRICE, MMC
City Clerk

Attachments:

Application
City Attorney Review
Code Enforcement Review
Notice of Vacancy





**CITY OF SAN JOSE, CALIFORNIA
APPLICATION FOR
SAN JOSE ELECTIONS COMMISSION**

MEMBERS OF SAN JOSE ELECTIONS COMMISSION MUST BE RESIDENTS OF SAN JOSÉ. PLEASE TYPE OR PRINT IN BLACK INK. FACSIMILE APPLICATIONS CANNOT BE ACCEPTED. Submit original application to the Office of the City Clerk, 200 East Santa Clara Street, San José, California, 95113, Telephone (408) 535-1206. If more space is needed, please attach additional pages. Applications are valid for one year from the date of receipt and are public record.

P-1318

Are you a resident of San José?

yes

Length of Residency

29+ yrs

Council District No.

3 ✓

Name (last, first, middle)

WALSH, APRIL LIN

Home Phone No

Work Phone No

San José, CA

Zip 95112

Present Employer (Name/Address)

Self
The law office of April Lin Walsh,

Job Title/Description of Duties

Attorney - practice consists of criminal defense / family law

Current Employer of Spouse (Name/Address)

City of San Jose
City Attorneys office
200 East Santa Clara St. San Jose

Spouse's Job Title/Description of Duties:

Senior Deputy City Attorney

College, Professional, Vocational or Other Schools Attended

SAN JOSE STATE UNIVERSITY

Major Subject

POLITICAL SCIENCE

Dates Attended

6/96-99

Degree & Date

BA 1999

LINCOLN LAW SCHOOL OF SAN JOSE

2001-2003

J.D. 2003

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

Volunteer Attorney/Lawclerk - District Attorneys Office of Santa Clara County

Languages spoken:

English, Spanish (a little)



Special Awards or Recognitions Received: Outstanding Volunteer Award - Volunteer Legal Services of San Francisco

Please state why you want to become a member of this Commission including specific objectives which you would work toward as a member. Please indicate any familiarity or experience you may have with campaign laws.

My goal is to help create a system where the public is able to gain confidence in its elected officials.

CONFLICT OF INTEREST State and local law require that you abstain from participation in decisions that may affect your financial interests, including sources of income, interests in real property or investments. In addition, if appointed, you may 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. Based on your best judgement, does this Commission make decisions that may affect sources of income, interests in real property or investments of you or your spouse? 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 Commission, and the positions you hold.

No

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

I believe in personal responsibility, fairness and integrity is key in restoring the public faith in the election process of San Jose. As a lifelong citizen of San Jose, I will work hard to ensure that the elections are fair and ethical.

SAN JOSE REFERENCES.

Name Jim Scharf, State Bar Governor Phone No. _____
Address _____

Name Lane Liroff, Deputy District Attorney Phone No. _____
Address _____

[Signature]
SIGNATURE OF APPLICANT

3/15/06
DATE SIGNED

RECEIVED
San Jose City Clerk
2006 MAR 15 A 10:14

SOCIO-DEMOGRAPHIC INFORMATION: (OPTIONAL)

Male Female 18-35 36-45 46-55 56-65 65+

Disability: Yes No Any special needs during interview process? Yes No

Racial/Ethnic Identification: Chinese / Irish

Sexual Orientation _____

How did you learn of this vacancy? Mercury News



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: RICHARD DOYLE
City Attorney

SUBJECT: Elections Commission -
Application

DATE: May 9, 2006

BACKGROUND

The City Council will interview an applicant for the San Jose Elections Commission. 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 that may be disclosed by the applications.

ELECTIONS COMMISSION DUTIES

The San Jose Elections Commission monitors compliance with all campaign and ethics ordinances in the San Jose Municipal Code. The Commission reviews and investigates allegations of violations of the City's Campaign Contribution Ordinance and makes recommendations for enforcement action where appropriate. The Commission also makes recommendations to the Council with regard to campaign and ethics regulations and policies.

ELECTIONS COMMISSION REQUIREMENTS

Members of the Elections Commission are required to have some demonstrated familiarity and experience with campaign laws. While serving on the five member Elections Commission, no member can hold any other public office nor publicly endorse any candidate for City office or engage in any political or campaign activity on behalf of any candidate for City office. Further, no member can participate as a candidate in any election to public office for a period of one year before and after tenure on the Commission. At least one member of the Commission must be an attorney licensed to practice in California.

The application submitted by the applicant for the Elections Commission did not provide information concerning demonstrated familiarity and experience with campaign laws. Therefore, the City Council should request that all candidates provide this information during their interview before the Council.

APPLICANT

April Lin Walsh – Ms. Walsh is self-employed as an attorney with a practice in criminal defense and family law. Her application indicates that her spouse is employed with the San Jose City Attorney's Office. The attorney is a litigator in the Office and does not advise the Elections Commission. Her application does not provide information concerning a demonstrated familiarity and experience with campaign laws. Her application discloses neither incompatible offices nor apparent conflicts of interest.

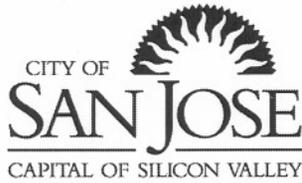
CONCLUSION

We do not have sufficient information from the application to fully assess whether the applicant meets the requirements in the Municipal Code for the Elections Commission. The application does not provide information which demonstrates familiarity with campaign laws as required by the Code. Therefore, if this applicant is interviewed, she should be provided an opportunity to provide such information to the City Council.

The applicant does not appear to have any incompatible offices or pervasive conflicts which would prevent her from serving on the Elections Commission. You may wish to consider the above comments in appointing an applicant to serve on the San Jose Elections Commission.

RICHARD DOYLE
City Attorney

cc: Les White
Lee Price



Memorandum

TO: Lee Price

FROM: Michael Hannon

**SUBJECT: RESPONSE TO REQUEST FOR
ELECTIONS COMMISSION
APPLICANT CODE REVIEW**

DATE: May 2, 2006

The Code Enforcement Division has completed its review of April Lin Walsh's application for the Elections Commission for any possible code violations, per your request of April 28, 2006. Code Enforcement staff conducted a thorough search of our records, by applicant name, to determine whether any complaints had been reported involving any property that the applicant owned or was otherwise involved.

Our research revealed no past or current cases in our system for the above-mentioned applicant.

Should you have any questions or if I can be of any further assistance, please do not hesitate to contact me.

Michael Hannon, Deputy Director
Planning, Building and Code Enforcement

MH:PR:sck

RECEIVED
San Jose City Clerk
2006 MAY -3 P 3:20



recd. 5/1/06. J

Memorandum

TO: Mike Hannon, Deputy Director
Planning, Building & Code Enforcement

FROM: Lee Price
City Clerk

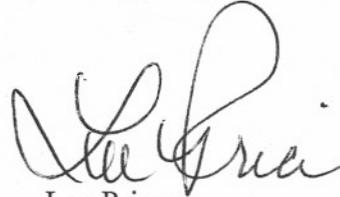
SUBJECT: REQUEST TO REVIEW
COMMISSION APPLICANT

DATE: April 28, 2006

Attached is April Lin Walsh's application for the Elections Commission. Please review her application for possible Code violations.

We are requesting Code Enforcement's statement by **Friday, May 5, 2006**

Thank you for your assistance.



Lee Price
City Clerk

LP:k
Attachment



**NOTICE OF VACANCY - ELECTIONS COMMISSION
ONE DESIGNATED POSITION, UNEXPIRED TERM ENDING MARCH 1, 2007
MUST BE AN ATTORNEY-AT-LAW
LICENSED TO PRACTICE IN THE STATE OF CALIFORNIA**

DEADLINE TO APPLY: FRIDAY, APRIL 21, 2006 at 5:00 P.M.

The San Jose City Council is accepting applications for an appointment to the Elections Commission. The Elections Commission monitors compliance with all campaign and ethics ordinances in the San Jose Municipal Code. The Commission reviews and investigates allegations of violations of the Code and makes recommendations for enforcement action where appropriate. The Elections Commission also makes recommendations to the Council with regard to campaign and ethics regulations and policies.

The Elections Commission is comprised of five members who are appointed by no less than a two-thirds vote of the Council. Each member **must be a registered voter** in the City of San Jose and have some demonstrated familiarity and experience with campaign laws. One Member shall be an attorney-at-law licensed to practice in the State of California. The position currently vacant is that of the attorney-at-law. Membership on the Commission should be representative of the community. Members of the Commission are appointed to four-year terms and may serve a maximum of two terms.

Members of the Elections Commission must not be employed by the City nor have any direct or substantial financial interest in any business, work or official action taken by the City. **While serving on the Commission, no member can hold any other public office nor publicly endorse any candidate for City office or engage in any political or campaign activity on behalf of any candidate for City office. Further, no member can participate as a candidate in any election to public office for a period of one year before and after tenure on the Elections Commission.**

Appointment Process: Following posting and distribution of a Notice of Vacancy, all applications received by the deadline will be submitted to the Mayor and Council Members who will notify the City Clerk as to whom they would like to interview. Applicants receiving four or more such indications of interest will be notified and asked to appear during a regularly scheduled Council Meeting to be interviewed by the Mayor and Council Members. Following interviews, the Mayor and Council Members cast written ballots, which are read into the record by the City Clerk. Applicants must receive a two-thirds vote of Council (8 votes) to be appointed to serve on the Elections Commission. It is anticipated interviews will be held on Tuesday, May 16, 2006.

Applications and additional information may be obtained from the Office of the City Clerk, 200 East Santa Clara Street, San Jose, California 95113. Telephone: 408-535-1252.