

REPLACEMENT MEMO

Agenda: 10-14-08

Item No.: 3.3



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: RICHARD DOYLE
City Attorney

SUBJECT: Elections Commission -
Applications

DATE: October 9, 2008

BACKGROUND

The City Council will interview applicants for the San Jose Elections Commission on October 14, 2008. This Office routinely reviews applications to City Boards and Commissions. The applications generally do not provide complete information but they do occasionally disclose potential conflicts of interest or incompatible offices. The purpose of this memorandum is to highlight any potential conflicts that may be disclosed by the applications.

ELECTIONS COMMISSION DUTIES

The San Jose Elections Commission monitors compliance with all campaign and certain ethics ordinances in the San Jose Municipal Code. The Commission reviews and investigates allegations of violations of the City's campaign contributions provisions and issues formal findings where appropriate. The Commission also makes recommendations to the Council about the City's 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. The applications submitted by the three applicants for the Elections Commission provide very little information about demonstrated familiarity and experience with campaign laws. The City Council, therefore, may want to ask the candidates to provide additional information during their interviews.

APPLICANTS

Hassan Khan – Mr. Khan's application indicates that he is employed as a Network Engineer with Cisco Systems. His application does not provide information which demonstrates a familiarity with campaign laws. His application discloses neither incompatible offices nor apparent conflicts of interest.

Brian Hickey – Mr. Hickey's application indicates that he is a retired engineer. He has served on the Santa Clara County Civil Grand Jury and on various City commissions and committees. His application provides some information which demonstrates a familiarity with elections laws. His application discloses neither incompatible offices nor apparent conflicts of interest.

Annie Dandavati - Ms. Dandavati's application indicates that she is self-employed as an attorney. Her application does not provide information which demonstrates a familiarity with campaign laws. Her application discloses neither incompatible offices nor apparent conflicts of interest.

CONCLUSION

We do not have sufficient information from the applications to fully assess whether the applicants meet the requirements in the Municipal Code for the Elections Commission. The applications provide little information which demonstrates familiarity with campaign laws. The Council may wish to ask the applicants to provide additional information during the interviews.

The applicants do not appear to have any incompatible offices or pervasive conflicts which would prevent them from serving on the Elections Commission. You may wish to consider the above comments in appointing one of the applicants to serve on the San Jose Elections Commission.

RICHARD DOYLE,
City Attorney

By 

LISA HERRICK
Sr. Deputy City Attorney

cc: Debra Figone
Lee Price