

# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** RICHARD DOYLE  
City Attorney

**SUBJECT:** Civil Service Commission  
Application

**DATE:** January 6, 2009

## 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 or incompatible offices. The purpose of this memorandum is to highlight major areas of known potential conflicts that are disclosed by the applications.

## COMMISSION DUTIES

As established by the City Charter, the Civil Service Commission makes recommendations to the Council and the City Manager and conducts investigations concerning the administration of personnel in the Classified Service. The Commission acts as an appellate body for certain personnel decisions affecting City employees and applicants. The Commission also reviews and recommends changes to Civil Service Rules and appoints members of the City Council Salary Setting Commission.

## COMMISSION COMPOSITION

The Civil Service Commission consists of five members. The City Charter requires that one member must be an attorney who has practiced law in the State of California for at least five years and that no more than four members may be of the same sex. The current vacancy on the Commission is for the attorney member, who must also be a female since all of the other Commission members are male.

## APPLICANT

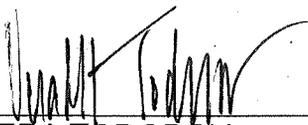
**Emily Joan Coté** – Ms. Coté's application indicates that she is employed as Senior Assistant District Counsel with the Santa Clara Valley Water District. Although not indicated in her application, Ms. Coté has some business related contact with the City relating to her representation of the Water District, but to the best of our knowledge none of these matters appear to relate to City of San Jose labor and employment issues. Her application discloses neither incompatible offices nor apparent conflicts of interest.

**CONCLUSION**

This applicant does not appear to have any incompatible offices or pervasive conflicts that would prevent her from serving on the Civil Service Commission. The City Council may wish to consider the above comments in making its appointment to the Commission.

RICHARD DOYLE,  
City Attorney

By:

  
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VERA TODOROV  
Senior Deputy City Attorney

cc: Debra Figone  
Lee Price