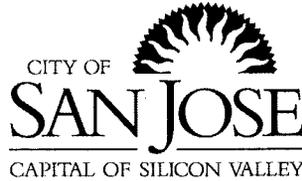


REPLACEMENT

COUNCIL AGENDA: 06-08-10
ITEM: 2.15



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Lee Price, MMC
City Clerk

SUBJECT: SEE BELOW

DATE: 05-27-10

**SUBJECT: APPOINTMENTS AND REAPPOINTMENTS TO BOARDS,
COMMISSIONS AND COMMITTEES**

RECOMMENDATION

As recommended by the Rules and Open Government Committee on May 26, 2010 and June 2, 2010 and outlined in the attached memo previously submitted to the Rules and Open Government Committee:

- (a) Reappoint Roger Lasson, Larry Saltman and Robert Gill each to a term ending June 30, 2013 and appoint Kenneth Kelly and Richard McCoy each to a term ending June 30, 2013 on the Senior Citizens Commission. (Constant)
- (b) Appoint Joshua Barousse, Wendy Ho, and Guadalupe Rodriguez each to an unexpired term ending June 30, 2011 on the Human Rights Commission. (Chu)
- (c) Appoint William Collins to an unexpired term ending June 30, 2011 and Erica Valladao to a term ending June 30, 2013 on the Early Care and Education Commission. (Chirco)
- (d) Appoint Carlos Padilla to an unexpired term ending December 31, 2012 and Elaine Coombs to an unexpired term ending December 31, 2010 on the Advisory Commission on Rents. (Herrera)
- (e) Appoint George Gange and Ian Klufft each to unexpired term ending June 30, 2011 on the Airport Commission. (Chu)
- (f) Appoint Karl Vidt to an unexpired term ending June 30, 2012 and Deanford Chen and Jessica Rauff each to a term ending June 30, 2013 on the Disability Advisory Commission. (Pyle)
- (g) Appoint Sergio Arturo Jimenez to a term ending June 30, 2013 on the Parks and Recreation Commission. (Pyle)

- (h) Reappoint Michael Martin to a term ending on June 30, 2013 on the Arts Commission. (Liccardo)
- (i) Appoint Nicholas Adams, Richard Allen James, and Richard Robbins each to a term ending June 30, 2013 and Ben Miyaji to an unexpired term ending June 30, 2011 on the Arts Commission. (Liccardo)
- (j) Appoint Spencer Horowitz to a term ending June 30, 2013 on the Airport Commission.
- (k) Appoint Alice Salee to an unexpired term ending December 31, 2011 on the Housing and Community Development Advisory Commission. (Nguyen)
- (l) Appoint Mark Blaszczyk and Stephen Gifford each to a term ending June 30, 2013 on the Traffic Appeals Commission. (Nguyen)
- (m) Reappoint Hoa (Mike) Nguyen and David Hook each to a term ending June 30, 2013 and appoint Tony Nguyen to a term ending June 30, 2013 on the Library Commission. (Oliverio)



Memorandum

TO: Rules Committee
FROM: Councilmember Constant
SUBJECT: Senior Citizens
Re-Appointments
& Appointment
DATE: May 7, 2010

Approved

Date 05-07-10

RECOMMENDATION

I recommend that following individuals be appointed to the Senior Citizens Commission:

1. Re-appoint incumbent commissioners:
Roger Lasson
Larry Saltman
Robert Gill
2. Appoint new commissioners:
Kenneth Kelly
Richard McCoy

BACKGROUND

Roger Lasson, Larry Saltman and Robert Gill are committed members of the Senior Citizens Commission. They have upheld the commission's integrity and met its demanding commitments and have faithfully advocated for the needs of San José's senior population.

Kenneth Kelly, a resident of Council District 1, has shown a committed work ethic and experience in the community. He has worked hard to establish and lead many organizations. He has shown commitment in his volunteer work with The Salvation Army Advisory Council, Silicon Valley Crime Stopper, United Neighborhoods of Santa Clara County, The Salvation Army Corps Board, and the Blackford Neighborhood Action Coalition. The development and preservation of these organizations demands considerable time commitment and continued support; This reflects Mr. Kelly's willingness to dedicate himself to the needs of the Senior Citizens Commission.

Richard McCoy has been a resident of San José for over 30 years and resides in District 1. Mr. McCoy is very knowledgeable about the issues facing San José's older adult community, such as senior nutrition, healthcare and seniors' needs to public and private services. He understands the severity of the City of San José's budget and its process. He has shown excellent leadership skills by co-founding his local Neighborhood Association, being actively involved in the D1 Leadership Group and participating in many local committees and organizations.



Memorandum

TO: Lee Price, City Clerk

FROM: COUNCILMEMBER
KANSEN CHU

SUBJECT: Human Rights Commission
Appointments

DATE: May 18, 2010

I would like to recommend Joshua Barousse, Wendy Ho, and Guadalupe Rodriguez for appointment to the Human Rights Commission.

A handwritten signature in black ink that reads "Kansen Chu".

KANSEN CHU
Councilmember

cc: Mayor and Council



Memorandum

TO: Rules Committee

FROM: Judy Chirco
Vice Mayor

SUBJECT: Early Care and Education Commission

DATE: May 20, 2010

Approved

Judy Chirco

Date

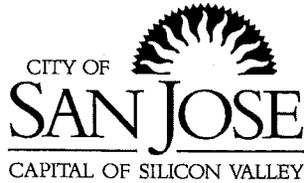
5-20-10

I would like to recommend the following candidates to fill the vacant position on the Early Care and Education Commission:

William Collins
Erica Valladao

RECEIVED
San Jose City Clerk
2010 MAY 20 P 3:46





Memorandum

**TO: Rules and Open
Government Committee**

FROM: Councilmember Rose Herrera

**SUBJECT: Appointments to the
Advisory Commission on Rents**

DATE: May 20, 2010

Approved

Date:

5/20/2010

RECOMMENDATION:

I recommend Carlos Padilla and Elaine Coombs to fill vacancies on the Advisory Commission on Rents.

BACKGROUND:

The commission advises the City Council and the Administration on the Rental Dispute and Mediation hearing process and recommends changes or amendments to improve the administration of this hearing process. This commission is composed of two tenant representatives that must live in rent controlled apartments, two landlord representatives, and three neutral positions.

As a property owner, Mr. Padilla brings experience as a small business owner to his role as a landlord representative on the commission.

Ms. Coombs prepared herself to fill the tenant representative vacancy by studying housing issues and attending commission meetings. This preparation will serve the commission well.

I look forward to both of these candidates making thoughtful contributions to the work of this commission.



Memorandum

TO: RULES AND OPEN GOVERNMENT COMMITTEE
FROM: Councilmember Kansen Chu
SUBJECT: Airport Commission Appointment
DATE: May 20, 2010

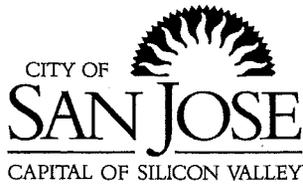
RECOMMENDATION

I would like to recommend George Gange and Ian Kluff for appointment to the Airport Commission.

These appointments will fill two out of three vacancies on the Airport Commission. I would, therefore, recommend that the City Clerk be directed to expand the applicant pool by continuing to recruit and accept applications for the Airport Commission.


KANSEN CHU
Councilmember

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San Jose City Clerk
2010 MAY 20 PM 4:09



Memorandum

TO: RULES AND OPEN
GOVERNMENT

FROM: COUNCILMEMBER
NANCY PYLE

SUBJECT: Disability Advisory Commission Appointment

DATE: May 20, 2010

Approved

Nancy Pyle

Date

5/20/10

RECOMMENDATION

I recommend the following applicants for appointment to the Disability Advisory Commission:

- Karl Vidt
- Deanford Chen
- Jessica Rauff



Memorandum

TO: RULES AND OPEN
GOVERNMENT

FROM: COUNCILMEMBER
NANCY PYLE

SUBJECT: Parks and Recreation Commission

DATE: May 20, 2010

Approved *Nancy Pyle*

Date *5/20/10*

RECOMMENDATION

I recommend Sergio Arturo Jimenez for appointment to the Parks and Recreation Commission.

RULES COMMITTEE: 05-26-10
ITEM: G.8

RULES COMMITTEE: 5/26/10
ITEM:



Memorandum

TO: RULES COMMITTEE

FROM: Councilmember Sam Liccardo

SUBJECT: Arts Commission Reappointment

DATE: May 20, 2010

Approved

Sam Liccardo
RH

Date

5/20/10

RECOMMENDATION

I recommend Michael Martin for reappointment to the Arts Commission. Mr. Martin has been a very active Commissioner during his first term, including serving as Chair and member of the Public Art Committee. I look forward to his continued service.



Memorandum

TO: RULES COMMITTEE

FROM: Councilmember Sam Liccardo

SUBJECT: Arts Commission Appointments

DATE: May 20, 2010

Approved

Sam Liccardo
RH

Date 5/20/10

RECOMMENDATION

I recommend the following individuals for appointment to the Arts Commission;

- Nicholas Adams
- Richard Allen James
- Ben Miyaji
- Richard Robbins

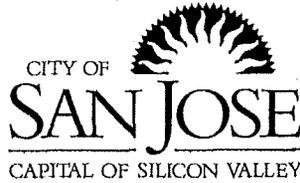
BACKGROUND

Nicholas Adams is a long time San Jose resident and fourth generation San Josean. He has extensive experience serving on non-profits boards and is very knowledgeable about the issues facing the arts community. In addition, his experience in corporate marketing will contribute to a diverse skill set on the Commission.

Richard James has been dedicated to arts for many years in a variety of functions, including serving for 15 years on the executive committee of the San Jose Jazz board of directors and as theater supervisor for Lucie Stern Theatre in Palo Alto. Mr. Martin's technical and educational background is in theatre, with a Masters from San Jose State University in Theatre Arts, he has experience working with Center for Performing Arts, Montgomery Theatre and Civic Auditorium.

Ben Miyaji, who previously served on the Arts Commission, brings numerous years of volunteer service with nonprofit arts groups making him uniquely qualified to serve. In addition, his professional experience in corporate business will serve him well on the commission.

Richard Robbins is a retired educator with 40 years of experience in arts and musical education. He also brings broad experience with nonprofit boards including San Jose Crime Stoppers and School Health Clinics. His training as a music educator and practicing musician will uniquely contribute to the Commission.



Memorandum

TO: RULES AND OPEN
GOVERNMENT COMMITTEE

FROM: LEE PRICE, MMC
CITY CLERK

SUBJECT: AIRPORT COMMISSION

DATE: May 27, 2010

Background: At the May 26, 2010 Rules and Open Government Committee meeting, the Committee made two appointments to the Airport Commission and considered Council Member Chu's recommendation that the applicant pool be expanded. The City Clerk was requested to bring back additional information about the current applicant pool. This memorandum is in response to that request.

The Office of the City Clerk conducted the first semi-annual recruitment process for a number of boards/commissions/committees earlier this year. The recruitment closed on February 26, 2010.

Two incumbents were reappointed on May 12th (Frank Sweeney and John Salah). One incumbent was not eligible to reapply and two resignations resulted in unanticipated vacancies, leaving three seats to fill on the Airport Commission (one full term beginning July 1st and two unexpired terms ending June 30, 2011).

This year's recruitment yielded thirteen (13) new applications. Nine (9) applicants¹ were interviewed by the Project Diversity Screening Committee (PDSC) in April. The PDSC recommended to the Council Liaison, Council Member Chu, four (4) out nine (9) applicants. The following list summarizes the PDSC recommendations:

Highly Recommended
Spencer Horowitz

Recommended
George Gange²
Ian Kluff³
Michael Valladao

Not-Recommended
Gary Cunningham
Amal Sinha
Georgie Nielsen
Dennis Uram
Charles Weekes

Conclusion: There is still one seat to fill on the Airport Commission. There are two (2) applicants who have been recommended by the PDSC and five (5) who were not. Additionally, four (4) applications for candidates who have not been interviewed remain on file.

¹ Applicants who are not interviewed by PDSC are not considered for appointment in the current cycle, however their applications are kept active and on file for one year. In this case, two applicants were unavailable; and two did not show up.

² George Gange was recommended by Council Member Chu and appointed by Rules on May 26th.

³ Ian Kluff was recommended by Council Member Chu and appointed by Rules on May 26th.

Memorandum

TO: RULES AND OPEN
GOVERNMENT COMMITTEE

FROM: Councilmember
Kansen Chu

SUBJECT: Airport Commission Appointment

DATE: May 20, 2010

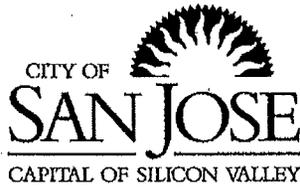
RECOMMENDATION

I would like to recommend George Gange and Ian Kluff for appointment to the Airport Commission.

These appointments will fill two out of three vacancies on the Airport Commission. I would, therefore, recommend that the City Clerk be directed to expand the applicant pool by continuing to recruit and accept applications for the Airport Commission.


KANSEN CHU
Councilmember

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San Jose City Clerk
2010 MAY 20 PM 4:09



Memorandum

TO: RULES AND OPEN
GOVERNMENT COMMITTEE

FROM: RICHARD DOYLE
City Attorney

SUBJECT: Airport Commission
Applicants

DATE: May 27, 2010

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. In order to analyze potential conflicts, it is necessary to consider the duties of the particular commission to which the applicant is seeking appointment.

This memorandum includes additional information regarding a potential conflict for one applicant that was discussed in the April 12, 2010, memorandum from this Office to the Rules and Open Government Committee. Based upon additional information provided by Georgia Painter Nielsen at the May 26, 2010, Rules and Open Government Committee meeting, we have determined that Ms. Nielsen has no apparent conflicts of interest.

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 that are referred to it by the Council or the administration, or on matters that it initiates from time to time. 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.

APPLICANTS

Gary Cecil Cunningham – Mr. Cunningham works for Northrop Grumman Marine Systems in Sunnyvale. His application discloses neither incompatible offices nor apparent conflicts of interest.

Rosalio Jerry Gandara – Mr. Gandara is retired from Federal government employment. His application discloses neither incompatible offices nor apparent conflicts of interest.

George Garcia Gange – Mr. Gange is retired from Federal government employment. His application discloses neither incompatible offices nor apparent conflicts of interest.

Vijay Giri – Mr. Giri works for IBM in San Jose. His application discloses neither incompatible offices nor apparent conflicts of interest.

Spencer Y. Horowitz – Mr. Horowitz is self-employed in the field of marketing and public relations. His application discloses neither incompatible offices nor apparent conflicts of interest.

Ian Ruben Kluff – Mr. Kluff works for TWiki, Inc. in Sunnyvale as a Software Engineer. His application discloses neither incompatible offices nor apparent conflicts of interest.

Georgia Panter Nielsen – Ms. Nielsen is a retired United Airlines flight attendant. Ms. Nielsen received a pension from United Airlines. However, the United Airlines pension plan was terminated on June 30, 2005, and the Pension Benefit Guaranty Corporation assumed responsibility for the pension plan on that date. Because the pension plan was terminated by United Airlines, Ms. Nielsen no longer has a financial interest in United Airlines that might give rise to an apparent conflict of interest. Her application discloses neither incompatible offices nor apparent conflicts of interest.

Sylvia Jeanneth Ruiz – Ms. Ruiz is the Political Director for Service Employees International Union-United Service Workers West (SEIU-USWW) in San Jose. Ms. Ruiz's application states that her employer, SEIU-USWW represents workers who provide services at the Airport. Therefore, Ms. Ruiz's employment with SEIU-USWW may present potential conflicts of interest to the extent that the Airport Commission considers and makes recommendations regarding any contracts with SEIU-USWW at the Airport. Government Code Section 1090 prohibits public officials or employees from making or participating in the making of a contract in which the official is financially interested. Airport Commissioners would be considered "public officials" for the purpose of Section 1090, and Ms. Ruiz has a financial interest in her employment with SEIU-USWW. Courts have found a prohibited financial interest even though the officer or employee would not directly benefit from the terms of the contract; it was ruled significant that the contract would contribute to the financial health of the contracting party with which the officer or employee was associated or employed. If Ms. Ruiz were an Airport Commissioner, Section 1090 may prohibit the Airport Commission from considering or making any recommendations regarding an agreement with SEIU-USWW. The prohibition is interpreted liberally to protect the public against conflicts of interest. When a Commissioner has a proscribed financial interest, the prohibition extends to the Commission even if the Commissioner with the proscribed financial

interest did not participate in any of the steps involved in the making of the agreement. In other words, if Ms. Ruiz does have a proscribed financial interest, the Airport Commission would be prohibited from considering, advising, or having any involvement with the agreements with SEIU-USWW, even if Ms. Ruiz were to recuse herself from any Commission discussions or actions regarding the agreements.

In addition, the Political Reform Act (Gov. Code Sections 87100 *et seq.*) provides that no public official shall make, participate in making, or in any way attempt to use his or her official position to influence a decision when the official knows that he or she has a financial interest in the decision. Since Ms. Ruiz has a financial interest in her employment with SEIU-USWW, she would have a disqualifying financial interest in an Airport Commission decision if the decision would have a material financial effect on SEIU-USWW. Therefore, Ms. Ruiz would be disqualified from participating in any Airport Commission actions involving SEIU-USWW.

Amal Sinha – Mr. Sinha is retired. He was a City employee in the early 1970's. His application discloses neither incompatible offices nor apparent conflicts of interest.

Vincent J. Tarpey – Mr. Tarpey is Director of Business Development at Swift Test, Inc. in Santa Clara. His application discloses neither incompatible offices nor apparent conflicts of interest.

Dennis P. Uram – Mr. Uram is retired from the field of facilities and operations management. His application discloses neither incompatible offices nor apparent conflicts of interest.

Michael Richard Valladao – Mr. Valladao works in product marketing for NetScout Systems, Inc. in San Jose. Mr. Valladao states in his application that he owns rental property in the Rosemary Gardens neighborhood (1385 San Juan Avenue), which Mr. Valladao describes as in "close proximity" to the Airport. Although we would need more specific information regarding the distance of this property from the Airport, Mr. Valladao could potentially have a conflict of interest in the event that the Airport Commission considers a matter that may have an impact on his property. The Political Reform Act (Gov. Code Sections 87100 *et seq.*) provides that no public official shall make, participate in making, or in any way attempt to use his or her official position to influence a decision when the official knows that he or she has a financial interest in the decision. Mr. Valladao would therefore be disqualified from participating in any Airport Commission actions that might have an impact on his property in the Rosemary Gardens neighborhood.

Charles William Weekes – Mr. Weekes is self-employed. His application discloses neither incompatible offices nor apparent conflicts of interest.

CONCLUSION

Ms. Ruiz and Mr. Valladao have potential conflicts of interest that may preclude the Airport Commission from participating in the making of certain contracts at the Airport and that may require that they abstain from participating in certain other matters in which they have a financial interest

The other applicants do not appear to hold any incompatible offices or to have conflicts of interest that would preclude them from serving on the Airport Commission. The Committee may wish to consider the above comments in making its recommendations regarding appointments to the Airport Commission.

RICHARD DOYLE,
City Attorney

By: 

KEVIN FISHER
Sr. Deputy City Attorney

cc: Lee Price



Memorandum

**TO: Rules and Open Government
Committee**

FROM: Councilmember Madison Nguyen

**SUBJECT: Housing and Community
Development Advisory Commission**

DATE: May 27, 2010

Madison Nguyen

Approved

Date: 05/27/2010

I would like to recommend that the following individual be appointed to the Housing and Community Development Advisory Commission:

Alice Salee

cc: Mayor
City Council



Memorandum

**TO: Rules and Open Government
Committee**

FROM: Councilmember Madison Nguyen

SUBJECT: Traffic Appeals Commission

DATE: May 27, 2010

Madison Nguyen

Approved

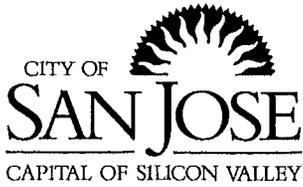
Date:

05/27/2010

I would like to recommend that the following individuals be appointed to the Traffic Appeals Commission:

**Mark Blaszczyk
Stephen Gifford**

cc: Mayor
City Council



Memorandum

TO: RULES AND OPEN
GOVERNMENT COMMITTEE

FROM: Councilmember Oliverio

SUBJECT: Library Commission
Recommendations

DATE: May 28, 2010

Approved

Pierluigi Oliverio

Date

5/28/2010

S.P.F.

I recommend the following people for the Library Commission:

- Hoa (Mike) Nguyen-Reappointment
- David Hook-Reappointment
- Tony Nguyen-New Appointment