

Memorandum

**TO: HONORABLE MAYOR AND
CITY COUNCIL**

FROM: DENNIS HAWKINS

**SUBJECT: CIVIL SERVICE
COMMISSION
INTERVIEWS AND
APPOINTMENTS**

DATE: November 1, 2011

SUPPLEMENTAL

REASON FOR SUPPLEMENTAL:

This purpose of this Supplemental memo is to transmit the names of applicants to be interviewed by the City Council for appointment to the Civil Service Commission and their interview order. In addition, the Conflicts of Interest reviews completed by the Office of the City Attorney and Department of Planning, Building, and Code Enforcement are attached. . This information had not been completed at the time that the initial memorandum regarding the appointments was submitted for the Council packet. Five applicants will be interviewed by the City Council at the November 8, 2011 meeting.

BACKGROUND:

Under Council Policy 0-4, the Mayor and City Council review applications for the Civil Service Commission, among other specified Commissions, and provide the City Clerk with "indications of interest" of those candidates whom they would like to interview for appointment to the Board or Commission. It is customary for a conflicts of interest review to be completed for applicants to various City Boards and Commissions.

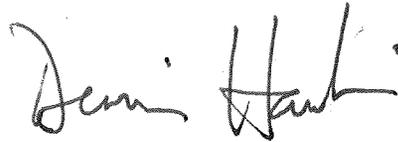
ANALYSIS

Five (5) applicants received indications of interest from four or more Councilmembers and have been invited to be interviewed by the City Council. As required by the Municipal Code, a successful applicant must receive six (6) or more votes to be appointed to the Civil Service Commission. If any seat remains unfilled, it is recommended that the recruitment be referred back to the City Clerk to secure additional applicants for consideration by the Council within 90-days. After the interviews, the Council may make up to three appointments to the Commission, each for a four-year term expiring November 30, 2015.

Interview Order:

The applicant interview order was determined by using the California Secretary of State's Randomized Alphabet Drawing for the November 2010 election ballot. This method is consistent with the process used in scheduling interviews for other boards and commissions. Applicants will be sequestered in another location so that they may not view or hear the interviews of other applicants until they are called to appear. The interview order is:

- Roy Truitt
- Holden Green
- Melinda George
- Joan Smith
- Randy Martinez



DENNIS D. HAWKINS, CMC
City Clerk

For questions, please contact Dennis Hawkins, City Clerk, at (408) 535-1275.

Attachments:

Memo from City Attorney

Memo from Department of Planning, Building, and Code Enforcement



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San Jose City Clerk

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Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: RICHARD DOYLE
City Attorney

SUBJECT: Civil Service Commission
Applications

DATE: November 1, 2011

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. City Charter section 1001(a) 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.

Currently, Commission members include two lawyers, one male and one female. The male lawyer's term on the Commission is concluding, but the female lawyer will remain on the Commission as presiding officer. Because there is a female lawyer on the Commission, the Charter requirements are fulfilled and Council may appoint any person its desires to the Commission regardless of profession or gender.

APPLICANTS TO BE INTERVIEWED

Melinda George – Ms. George’s application indicates that she is a retired Director of Human Resources. Her application discloses neither incompatible offices nor apparent conflicts of interest.

Holden Green – Mr. Green’s application indicates that he is a self-employed lawyer in San Jose. His application and a litigation search disclose neither incompatible offices nor apparent conflicts of interest. If appointed to the Commission; Mr. Green and his firm are prohibited from representing any employee of the City of San Jose in proceedings before the Civil Service Commission.

Randy Lee Martinez – Mr. Martinez’s application indicates that he is employed as a Field Investigator for the State Compensation Insurance Fund. His application discloses neither incompatible offices nor apparent conflicts of interest.

Joan Smith – Ms. Smith’s application indicates she is retired nurse and nursing administrator. Her application discloses neither incompatible offices nor apparent conflicts of interest.

Roy Lee Truitt – Mr. Truitt’s application indicates he is General Manager of the Hilton Santa Clara Hotel. Mr. Truitt’s application discloses neither incompatible offices nor apparent conflicts of interest.

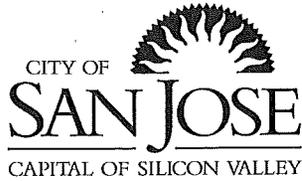
CONCLUSION

None of these applicants appears to hold any incompatible office. None of the applicants have any apparent conflicts that would prevent them from serving on the Civil Service Commission. The City Council may wish to consider the above comments in making its appointments to the Commission.

RICHARD DOYLE,
City Attorney

By: 
VERA TODOROV
Senior Deputy City Attorney

cc: Debra Figone
Dennis Hawkins



Memorandum

TO: Nora Pimental

FROM: Michael Hannon

**SUBJECT: RESPONSE TO REQUEST FOR
CIVIL SERVICE COMMISSION
APPLICANT CODE REVIEW**

DATE: October 27, 2011

Approved

Date

The Code Enforcement Division has completed their review of the list of Civil Service Commission applicants for code violations, per your e-mail request of October 17, 2011. Code Enforcement staff conducted a thorough search of our records, by applicant name and address, to determine whether any complaints had been reported involving any property that the applicants own or was otherwise involved. Our investigation determined that none of the applicants, other than Galvin David Jackson, have had code violations. The following is a brief summary of Code Enforcement's case against Galvin David Jackson:

Code Enforcement has pending code violations at property owned and leased by Galvin David Jackson, an applicant for the Civil Service Commission (Applicant). Despite a compliance order, an order from the San Jose Appeals Hearing Board, as well as the imposition of fines, the property remains in violation.

On October 15, 2008, Code Enforcement received a complaint against the Applicant's property located at 722 Willis, San Jose. The complainant advised that both the water and PG & E were turned off at an illegal unit at the rear of the property. On that same day, Code Enforcement left a voice message for the Applicant stating that the water and electrical service must be restored immediately.

On October 16, 2008, Code Enforcement conducted an inspection with the consent of the tenant. Code Enforcement determined that the single-family residence had been converted to a duplex without Planning and/or Building permits. During a subsequent inspection with the Applicant present, staff determined that the basement was also being used for sleeping purposes, a violation of the Housing Code. The Applicant was ordered to discontinue using the basement for sleeping purposes. On November 21, 2008, a compliance order was issued.

When the Applicant failed to comply with the compliance order, the case was scheduled for a hearing before the San Jose Appeals Hearing Board. On August 27, 2009, the San Jose Appeals Hearing Board adopted Resolution and issued a fine in the amount of \$130,088.76, and ordering compliance. *(A copy of Appeals Hearing Board Resolution 09-76 is available upon request)*

Subject: Response to Request for Civil Service Commission Applicant Code Review

October 27, 2011

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The applicant has failed to comply with the Appeals Hearing Board's Order, administrative fines have reached the maximum administrative fine allowed by the San Jose Municipal Code. In recent conversations with the Applicant, he states that he has a lawsuit pending against the previous owner for failing to disclose unpermitted construction. The Property remains in violation.

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

Michael Hannon
Code Enforcement Official
City of San Jose

