



Memorandum

TO: RULES COMMITTEE

FROM: LEE PRICE

**SUBJECT: APPOINTMENTS TO AIRPORT
NOISE ADVISORY COMMITTEE**

DATE: February 11, 2005

On August 10, 2004, the City Council amended Section 25.04.610 of Chapter 25.04 of Title 25 of the San José Municipal Code (Airport) to consolidate the functions of the Airport Noise Advisory Committee and the Curfew Monitoring Committee and establish the Airport Noise Advisory Committee.

Following the consolidation, the newly established Airport Noise Advisory Committee roster was established and there were two vacancies that needed to be filled, a Citizen Representative and a Business Representative.

Attached are copies of six (6) applications for these positions. Five (5) applicants are for the Citizen Representative and one (1) applicant is for either Citizen or Business Representative. Also attached is the City Attorney's Conflict of Interest Review.

We are requesting that the Rules Committee recommend two (2) appointments to the Airport Noise Advisory Committee.

LEE PRICE, CMC
CITY CLERK

LP:gs

Attachments

CITY OF SAN JOSÉ -- MEMORANDUM

TO: RULES COMMITTEE
SUBJECT: Airport Noise Advisory
Committee Applicants

FROM: RICHARD DOYLE
City Attorney
DATE: February 8, 2005

BACKGROUND

This Office routinely reviews applications to City Boards, Commissions and Committees. 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 or committee to which the applicant is seeking appointment.

COMMITTEE DUTIES

Under the Municipal Code, the Airport Noise Advisory Committee is an advisory body to the City Council and the Director of Aviation regarding Airport noise related issues and to provide a public forum for Airport noise related issues, policies and decisions. The Committee monitors curfew intrusion information on a quarterly basis and issues an annual report reviewing curfew intrusions and airline compliance with the Airport Noise Control Program to the City Council. The Committee also reviews the City's Airport public information program and the City's Airport noise complaint procedures.

COMMITTEE MEMBERSHIP

Under the Municipal Code, the Committee shall consist of one (1) Airport Commissioner, who shall serve as Chair of the Committee; two (2) Citizen Representatives who reside in the City of San Jose; one (1) Citizen Representative who resides in the City of Santa Clara; one (1) City of Santa Clara Planner; one (1) City of San Jose Planning Commission Member; one (1) City of Santa Clara Councilperson; one (1) Airline Representative; one (1) Airman's Association Representative; one (1) Air Transport Association Representative; and one (1) Business Representative.

APPLICANTS

There are currently two available positions on the Committee for a San Jose Citizen Representative and a Business Representative.

Richard Lewis Giardino – Mr. Giardino is a self-employed management consultant. His application discloses neither incompatible offices nor apparent conflicts of interest.

Michael Dennis O'Kane – Mr. O'Kane is Director of Community Relations for the San Jose Grand Prix and a Core Adjunct Instructor at National University, San Jose Campus. He was on the Mayor's Advisory Task Force for the San Jose Arena in 1987, and he was Program Administrator for the San Jose Arena Authority from 2000 to 2004. His application states that he lives near and along the Airport flight path. His application discloses neither incompatible offices nor apparent conflicts of interest.

Sharlyn Hintz Maeda – Ms. Maeda is CFO/Director of Operations for WiseWeb Trading Corporation in Sunnyvale. Her application discloses neither incompatible offices nor apparent conflicts of interest.

Duane Robert Stevens – Mr. Stevens is a Project Manager with IBM in San Jose. He listed his spouse's job title as "Sales Manager," but his application does not indicate his spouse's employer. His application states that he lives below the Airport southern flight approach. His application discloses neither incompatible offices nor apparent conflicts of interest.

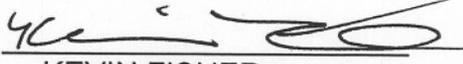
Charles Edward Luckhardt – Mr. Luckhardt is a retired attorney. Mr. Luckhardt has served on the San Jose City Landmarks and Civil Service Commissions and the Willow Glen Neighborhood Association Board of Directors. His application discloses neither incompatible offices nor apparent conflicts of interest.

David D. Splivalo – Mr. Splivalo is an Account Manager with Dovetail Public Relations in Los Gatos. His application states that his residence is not in the near vicinity of the Airport and flight paths. His application discloses neither incompatible offices nor apparent conflicts of interest.

CONCLUSION

None of the applicants appear to hold any incompatible offices or to have conflicts of interest that would preclude them from serving on the Airport Noise Advisory Committee. Each applicant has affirmed that he or she resides in San Jose. The Committee may wish to consider the above comments in making its recommendations regarding appointments to the Airport Noise Advisory Committee.

RICHARD DOYLE,
City Attorney

By: 
KEVIN FISHER
Sr. Deputy City Attorney

cc: Del D. Borgsdorf
Lee Price