



# Memorandum

**TO: HONORABLE MAYOR AND  
CITY COUNCIL**

**FROM: DENNIS HAWKINS,**

**SUBJECT: APPEALS HEARING BOARD  
APPOINTMENTS**

**DATE: SEPTEMBER 23, 2011**

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## **RECOMMENDATION**

1. Interview applicants for appointment to the Appeals Hearing Board
2. Appoint one (1) member to the Appeals Hearing Board to the balance of an unexpired term expiring December 31, 2013.
3. Appoint two (2) members to the Appeals Hearing Board to full three-year terms expiring December 31, 2014
4. If any vacancy remains, direct the City Clerk to continue recruitment efforts and bring additional applicants forward for consideration within 90-days

## **BACKGROUND**

Under San Jose Municipal Code Section 2.08.620, the Appeals Hearing Board has the following functions, powers, and duties:

- A. Hear all administrative hearings and appeals authorized by this Code or by ordinance.
- B. Conduct all administrative abatement action hearings authorized by this Code or by ordinance.
- C. Perform the functions and duties within the jurisdiction of the code enforcement appeals commission as set forth in other titles of this Code.
- D. Perform such other programs or functions related to administrative hearings and appeals that the city council or the city manager may, from time to time, authorize or request.

There are currently two (2) vacancies on the Appeals Hearing Board. Commissioner Judith Jones resigned and her term expires December 31, 2013. Commissioner Jose Hernandez resigned and his term expires December 31, 2011. Both Commissioners provided exemplary service but have resigned for personal reasons. The Office of the City Clerk conducted an open recruitment from July 11, 2011 through September 9, 2011.

In addition, Edgar "David" Parker, appointed to the Board on February 1, 2011 to a term expiring December 31, 2011, has filed his application for re-appointment.

The Office of the City Clerk received eight applications which were submitted to the Mayor and City Council for their review. Each Council member was asked to give an "indication of interest" of applicants to be interviewed. Any applicant receiving interest from four or more Councilmembers will be considered in the interview process. This procedure is consistent with the Council's direction regarding appointments to specific 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 on October 4, 2011. As required by the Municipal Code, a successful applicant must receive six (6) or more votes to be appointed to the Appeals Hearing Board. 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 in 90-days. After the interviews, the Council may make up to three appointments to the Commission:

- To fill one (1) unexpired term ending December 31, 2013 and
- To fill two (2) three year-terms expiring December 31, 2014.

### **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:

- **Nathan Gopi**
- **Rajwant Bains**
- **Gary Pelton**
- **Edgar "David" Parker**
- **Williams Murphy**

Information from the Office of the City Attorney and the Department of Planning, Building, and Code Enforcement regarding their review for potential conflicts will be issued via a supplemental memorandum.

### **PUBLIC OUTREACH**

This item does not meet any of the criteria outlined below. However, the memo has been posted on the City Clerk's website as a part of the October 4, 2011 Council Meeting Agenda.

- Criterion 1:** Requires Council action on the use of public funds equal to \$1 million or greater. (Required: Website Posting)
  
- Criterion 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. (Required: E-mail and Website Posting)
  
- Criterion 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, , or a Community group that requires special outreach. (Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)

### **COORDINATION**

This memorandum has been coordinated with the Office of the City Attorney and the Department of Planning, Building, and Code Enforcement.

### **CEQA**

Not a project.



DENNIS D. HAWKINS, CMC  
City Clerk

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



## CITY OF SAN JOSÉ, CALIFORNIA

### APPLICATION FOR BOARDS AND COMMISSIONS

MEMBERS OF SAN JOSÉ'S BOARDS AND COMMISSIONS MUST BE RESIDENTS OF SAN JOSÉ. PLEASE USE BLACK TYPE OR PRINT. Submit application to the Office of the City Clerk, 200 East Santa Clara Street, San José, California, 95113, Telephone (408) 535-1252. If more space is needed, please attach additional pages. Applications are valid for one year from the date of receipt and are public record. This application and supplemental are "public documents" and are available for review upon request.

Board or Commission applying for:

- |  |   |
|--|---|
| Appeals Hearing Board <input checked="" type="checkbox"/>  | Elections Commission <input type="checkbox"/>           |
| Civil Service Commission <input type="checkbox"/>          | Planning Commission <input checked="" type="checkbox"/> |
| Council Salary Setting Commission <input type="checkbox"/> |   |

Are you a resident of San José? **Yes**

Length of Residency since 1998

Council District No. **15** current

Name (last, first, middle) **Gopi Nathan**

Home Phone No. \_\_\_\_\_  
 Work Phone No. \_\_\_\_\_  
 E-Mail Address \_\_\_\_\_

Address

San José, CA Zip

Present Employer (Name/Address)

**American Water**

Job Title/Description of Duties:

**Superintendent - Manage the Water Distribution System for the city of East Palo Alto**

Current Employer of Spouse (Name/Address)

N/A

Spouse's Job Title/Description of Duties:

N/A

College, Professional, Vocational or Other Schools Attended

Major Subject

Dates Attended

Degree & Date

San Jose State, San Jose, CA

Program & Project Mgmt

2001

Certificate 12/2001

IG National Open University  
New Delhi, India

Business Administration

1987 - 1991

M.B.A 1991

University of Kerala , India

Mechanical Engineering

1965- 1974

MS ME 02/ 1974

List any position or office held in any governmental agency, civic or charitable organization including the dates:

Small Business Development Commission, City of San Jose, 2001- 2008

Languages spoken:

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 San Jose City Clerk  
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Special Awards or Recognitions Received:

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Please state why you want to become a member of this Board or Commission including specific objectives which you would work toward as a member.

I have several years of professional experience in electronics Industry, Utility and in Management. i have worked in professional positions in countries like India, Mozambique, Canada and undertaken projects in countries like Vietnam. I want to get myself associated with a community or civic organization and the City of San Jose fits the bill. I was a SBDC Commissioner , termed out and had applied for Planning commission position in the past. I am interested in the Planning Commission and Appeals Hearing Board

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**CONFLICT OF INTEREST:** State and local law require that you abstain from participation in decisions that may affect your financial interests, including sources of income, interests in real property or investments. In addition, if appointed, you may be required to fill out a disclosure statement which identifies certain of your financial interests beginning with the immediate twelve-month period prior to your appointment. Based on your best judgement, does this Board or Commission make decisions that may affect sources of income, interests in real property or investments of you or your spouse? If yes, please explain. Please identify any organizations, associations, corporations or entities by which you are employed or associated that might be affected by decisions of this Board or Commission, and the positions you hold.

None at present.

**Special Note:** Applicants are advised that they may be required to file a statement of Economic Interests (Form 700) disclosing all reportable interests held at the time of appointment. If applicable, a copy of this form will be provided by the City Clerk.

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Please state any other information which you feel would be useful in reviewing your application.

I can send a copy of my resume if needed, please let me know- thanks - Gopi

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**SAN JOSÉ REFERENCES:**

Name Chuck Reed ( Was council liaison for SBDC )

Phone No

Address City of San Jose, CA

Name Charles W Kemp

Phone No.

7

Address SanJose Water, San Jose, CA 95128

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Board or Commission applying for:

- |  |   |
|--|---|
| Appeals Hearing Board <input checked="" type="checkbox"/>  | Elections Commission <input type="checkbox"/> |
| Civil Service Commission <input type="checkbox"/>          | Planning Commission <input type="checkbox"/>  |
| Council Salary Setting Commission <input type="checkbox"/> |   |

Are you a resident of San José? **Yes**

Length of Residency **24 years**

Council District No. **8** ✓

Name (last, first, middle) **Bains, Rajwant**

Home Phone No.  
Work Phone No.  
E-Mail Address

Address

San José, CA Zip

Present Employer (Name/Address)  
County of Santa Clara

Job Title/Description of Duties:  
Administrative Support Officer  
Training, policy/procedure development/safety  
OSHA compliance

Current Employer of Spouse (Name/Address)  
Coherent

Spouse's Job Title/Description of Duties:  
Procurement-negotiating contracts, purchasing etc.

College, Professional, Vocational or Other Schools Attended	Major Subject	Dates Attended	Degree & Date
Golden Gate University San Francisco	Public Administration	2008-2010	MPA 1/2010
Golden Gate University, San Francisco	Business Management	2004-2006	BA 6/2006

List any position or office held in any governmental agency, civic or charitable organization including the dates:

- Jan 2007-present: Commissioner, Human Rights Commission, City of San Jose
- 2003:NABS (Neighborhood Accountability Board) San Jose
- Jan 2002-2009: Youth Task Force Coordinator

Languages spoken:

RECEIVED  
San Jose City Clerk  
2011 AUG - 4 P 4: 55

English, Hindi, Punjabi

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Special Awards or Recognitions Received:

Santa Clara County Board of Supervisors Unity in Diversity Achievement Award  
County of Santa Clara Safety Award

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Please state why you want to become a member of this Board or Commission including specific objectives which you would work toward as a member.

I want to become a member of the Appeals Hearing Board because I am a resident of this community and have a genuine interest in its desirability and continued growth. My goals are to ensure this community is clean, safe and fair. By serving on the this Board I can work with the city and its residents to reduce blight, improve safety, and help maintain our neighborhoods. In addition the Appeals Hearing Board is an essential component as it increases (residents) access to local government and contributes toward a fair process.

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**Special Note:** Applicants are advised that they may be required to file a statement of Economic Interests (Form 700) disclosing all reportable interests held at the time of appointment. If applicable, a copy of this form will be provided by the City Clerk.

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Please state any other information which you feel would be useful in reviewing your application.

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**SAN JOSÉ REFERENCES:**

Name Karen Candito

Phone No.

Address

Name Viola Alvarez

Phone No.

Address

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SUBMIT ONLINE

RESET FORM (ERASE)



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**Board or Commission applying for:**

- |  |   |
|--|---|
| Appeals Hearing Board <input checked="" type="checkbox"/>  | Elections Commission <input type="checkbox"/> |
| Civil Service Commission <input type="checkbox"/>          | Planning Commission <input type="checkbox"/>  |
| Council Salary Setting Commission <input type="checkbox"/> |   |

Are you a resident of San José? **Yes**

Length of Residency **49 Years**

Council District No. **4**

Name (last, first, middle) **Pelton, Gary, G**

Home Phone No.  
Work Phone No. **Retired**  
E-Mail Address

Address

San José, CA Zip

Present Employer (Name/Address)  
**Retired**

Job Title/Description of Duties:  
**Quality Manager**

Current Employer of Spouse (Name/Address)  
**Deceased**

Spouse's Job Title/Description of Duties:  
**Clerk, City Attorney,s Office**

College, Professional, Vocational or Other Schools Attended	Major Subject	Dates Attended	Degree & Date
San José State	Quality Control	1995/1996	Post Graduate
De Anza College	Quality Control	1966/1968	Quality Engineering
San José College	Apprentiship	1964/1966	Industrial Arts

List any position or office held in any governmental agency, civic or charitable organization including the dates:

San José Traffic Appeals Commission	Chairman	6/14/2005-6/30/2011
SIR Inc.	State Official	1999-2011

Languages spoken:

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San Jose City Clerk  
2011 AUG - 2



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Special Awards or Recognitions Received:

'State of California and Arizona senior Olympics gold medal champion 2009 and 2010.

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Please state why you want to become a member of this Board or Commission including specific objectives which you would work toward as a member.

I have recently (6/30/2011) termed out as the City of San Jose Traffic Appeals Commission Chairman. During that six years I enjoyed working with City of San Officials and the general public, therefore I wish to continue as a Appeal Hearing Board Member.

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**CONFLICT OF INTEREST:** State and local law require that you abstain from participation in decisions that may affect your financial interests, including sources of income, interests in real property or investments. In addition, if appointed, you may be required to fill out a disclosure statement which identifies certain of your financial interests beginning with the immediate twelve-month period prior to your appointment. Based on your best judgement, does this Board or Commission make decisions that may affect sources of income, interests in real property or investments of you or your spouse? If yes, please explain. Please identify any organizations, associations, corporations or entities by which you are employed or associated that might be affected by decisions of this Board or Commission, and the positions you hold.

None

**Special Note:** Applicants are advised that they may be required to file a statement of Economic Interests (Form 700) disclosing all reportable interests held at the time of appointment. If applicable, a copy of this form will be provided by the City Clerk.

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Please state any other information which you feel would be useful in reviewing your application.

I previously submitted an application for this Appeals Hearing Board position 2/11/2011.

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**SAN JOSÉ REFERENCES:**

Name David Reiser

Phone No.

Address

Name Fred Gardner

Phone No.

Address

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FORM CAN BE SUBMITTED ONLINE AT BOTTOM OF FORM



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Board or Commission applying for:

- Appeals Hearing Board
- Civil Service Commission
- Council Salary Setting Commission
- Elections Commission
- Planning Commission

Are you a resident of San José? Yes

Length of Residency 5yrs 10months

Council District No. 3 ✓

Name (last, first, middle) Parker Jr., Edgar "David"

Home Phone No.  
Work Phone No.  
E-Mail Address

Address

San José, CA Zip

Present Employer (Name/Address)  
Santa Clara County Probation Department

Job Title/Description of Duties:  
Justice Systems Clerk II: Provide administrative and clerical support to Probation Officers and law enforcement/judicial personnel.

Current Employer of Spouse (Name/Address)  
N/A

Spouse's Job Title/Description of Duties:  
N/A

College, Professional, Vocational or Other Schools Attended	Major Subject	Dates Attended	Degree & Date
University of Maryland	Criminal Justice	8/94-7/97	
Skyline College	General Studies	6/05-12/05	
Anne Arundel Community College	Criminal Justice	8/95-5/96	
Wor-Wic Community College	General Studies	1/94-5/94	
Catawba College	General Studies	9/93-12/93	

List any position or office held in any governmental agency, civic or charitable organization including the dates

- 2/11-Present: Commissioner, Appeals Hearing Board
- 1/07-2/11: Vice-Chair/Commissioner, Human Rights Commission, City of San Jose
- 1/07-Present: Elected Member, Democratic County Central Committee, 23rd Assembly District
- 5/06-Present: Member/President, Silicon Valley LGBT Democratic Club
- 3/02-12/05: Member, Sunshine Ordinance Task Force, City and County of San Francisco
- 3/01-3/02: Commissioner, Delinquency Prevention Commission, City and County of San Francisco

Languages spoken:

2011 SEP - 9 P 11: 314  
RECEIVED  
San Jose City Clerk

English

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Special Awards or Recognitions Received:

Certificate of Honor from the San Francisco Board of Supervisors for my service on Sunshine Task Force  
Letter of Recognition from Mark Leno, State Senator (former Assemblymember) for commitment to open government

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Please state why you want to become a member of this Board or Commission including specific objectives which you would work toward as a member.

I wish to continue my service on the Appeals Hearing Board for City of San Jose. I am currently in my first term on this body and have found the experience rewarding. During my tenure, I have only one absence and participate actively in discussions of our various agenda items. I believe I contribute positively and work in a collaborative manner with my colleagues for resolutions which balance the needs of the City, Community and appellants.

I believe in diverse representation on our Boards and Commissions and as a member of the LGBT community I will continue enhancing the makeup of the Board. Based upon my experience working in the Courts and with the Sunshine Ordinance Task Force, I have the experience with deliberations as required on a Quasi-Judicial body.

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I believe I have no real or perceived conflict of interest for this position. As a County employee, this body would not affect my income and I currently do not own real property or have investments.

**Special Note:** Applicants are advised that they may be required to file a statement of Economic Interests (Form 700) disclosing all reportable interests held at the time of appointment. If applicable, a copy of this form will be provided by the City Clerk.

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Please state any other information which you feel would be useful in reviewing your application.

I appreciate my current appointment and hope to have the support of the entire Council and the Mayor for my re-appointment.

**SAN JOSÉ REFERENCES:**

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Name Leonel Lorta

Phone No.

Address

Name Russ Reich

Phone No.

Address

**SUBMIT ONLINE**

**RESET FORM (ERASE)**



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Board or Commission applying for:

- |  |   |
|--|---|
| Appeals Hearing Board <input checked="" type="checkbox"/>  | Elections Commission <input type="checkbox"/> |
| Civil Service Commission <input type="checkbox"/>          | Planning Commission <input type="checkbox"/>  |
| Council Salary Setting Commission <input type="checkbox"/> |   |

Are you a resident of San José? **Yes**

Length of Residency **11 years**

Council District No. **4** ✓

Name (last, first, middle) **Murphy, William, James**

Home Phone No. **408 558 0003**  
 Work Phone No. **408 558 0003**  
 E-Mail Address

Address

San José, CA Zip

Present Employer (Name/Address) **SRI International**

Job Title/Description of Duties:  
**Program Director**  
 Manage interdisciplinary research programs  
 Write competitive proposals

Current Employer of Spouse (Name/Address) **Thomas More School**

Spouse's Job Title/Description of Duties:  
**Science Teacher**  
 Teach science to grades 6-12

College, Professional, Vocational or Other Schools Attended	Major Subject	Dates Attended	Degree & Date
Columbia University	Chemistry	8/82-8/87	PhD, 1989
UNC-Chapel Hill	Chemistry	8/78-5/82	BS w/ Highest Honors, 1982

List any position or office held in any governmental agency, civic or charitable organization including the dates:  
 Deputy Chief/Arms Control Intelligence Staff and Research Manager/Central Intelligence Agency/1991-2000  
 Asst Baseball Coach/Thomas More School/2003-Present  
 Athletic Director/Berryessa Cougars PAL Football/2004-2006  
 Safety Director and Manager/North Valley Little League/2002-2003  
 Webelos Leader/Pack 1348/Burke Center, VA/1998-2000  
 Umpire Scheduler and Manager/Fairfax Little League, Fairfax, VA/1995-2000  
 Fundraising Chair and Coach/Beltway Bandits Wrestling Club, Fairfax, VA/1998-2000

Languages spoken:

2011 AUG 23 A 9:45  
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 San Jose City Clerk

Special Awards or Recognitions Received:

Morehead Scholar, UNC-CH  
Several Exceptional Performance Awards/CIA  
Meritorious Unit Citation/CIA

Please state why you want to become a member of this Board or Commission including specific objectives which you would work toward as a member.

I believe the work of the San Jose Code Enforcement Team is critical to the health of the city. As we endure these difficult times it becomes ever more important to maintain the appearances of our neighborhoods. Our property values and the livability of our city depends upon all of us respecting each other. Unfortunately many folks tend to ignore this basic rule so we rely on the Code Enforcement team to encourage their compliance. At the same time, we must also respect the rights of property owners to control their own property, as long as they do not unreasonably impact their neighbors. I would like to help see to it that San Jose remains a livable city. Serving on this board is an excellent way to do that and help maintain a balance between the rights of the homeowner and the rights of their neighbors. Our code provides a good guide and its enforcement is vital for San Jose.

**CONFLICT OF INTEREST:** State and local law require that you abstain from participation in decisions that may affect your financial interests, including sources of income, interests in real property or investments. In addition, if appointed, you may be required to fill out a disclosure statement which identifies certain of your financial interests beginning with the immediate twelve-month period prior to your appointment. Based on your best judgement, does this Board or Commission make decisions that may affect sources of income, interests in real property or investments of you or your spouse? If yes, please explain. Please identify any organizations, associations, corporations or entities by which you are employed or associated that might be affected by decisions of this Board or Commission, and the positions you hold. Because I am a homeowner, the decisions of this board can potentially impact my largest investment, my home. Other than this obvious potential conflict, there are no further causes for concern.

**Special Note:** Applicants are advised that they may be required to file a statement of Economic Interests (Form 700) disclosing all reportable interests held at the time of appointment. If applicable, a copy of this form will be provided by the City Clerk.

Please state any other information which you feel would be useful in reviewing your application.

None

**SAN JOSÉ REFERENCES:**

Name Jess Gutierrez

Phone No.

Address

Name Jim Selway

Phone No.

Address