



**Date:** June 24, 2026

**To:** Honorable Mayor and Members of the City Council

**From:** Glen R. Googins, City Attorney and Sujata Reuter, Chief Assistant City Attorney

**Subject:** Conflicts Review – Board of Library Trustee Applicant

Honorable Mayor and Councilmembers:

The City Attorney's Office has been asked to review the application for Board of Library Trustee and to advise on whether the application reflects any legal issues that would affect the Council's appointment process. Generally speaking, applications alone do not provide complete information regarding potential conflicts; however, they do occasionally disclose potential conflicts of interest or incompatible offices. The purpose of this memorandum is to highlight areas of potential conflict, if any, that are disclosed by the applications. This review is limited solely to the information provided on the applications, and is not intended to be comprehensive investigation of potential conflicts involving the applicants. A commissioner may be precluded from participating in certain matters of Commission business if the commissioner has a personal financial interest in that matter. While this list is not complete, these types of conflicts generally fall within one or more of the following situations:

- An application shows persons or entities that are "sources of income" to an Applicant within the 12 months preceding the start of the commission term, as defined under the Political Reform Act, which may create a conflict either with a member of the Council acting in the appointing capacity or potentially with the business of the Commission;
- An Applicant is an officer or employee of a person or entity that could be involved in a matter coming before the Commission; or
- An Applicant engages in a profession serving the local market that is likely to realize financial benefits or detriments, distinguishable from the public generally, that would result from the work performed by the Commission.

There may be facts which would not amount to a legal conflict of interest requiring a commissioner to recuse him- or herself from a commission vote or discussion, however the relationship could create an appearance of bias on the part of the commissioner. The City's Code of Ethics and Values requires that Commissioners "make impartial decisions, free of . . . financial and other personal interests that impair [one's] independence of judgment or action." Accordingly, a situation may arise that may require a commissioner to recuse him- or herself if the facts could reasonably lead one to conclude that the applicant would be biased for or against a person or entity.

### **Board of Library Trustees**

The Board of Library Trustees (BOLT) has received one application for one vacancy, which has been reviewed by the City Attorney's Office. In order to analyze potential conflicts, it is necessary to consider the duties of the particular commission for which the applicant is seeking appointment. BOLT is responsible for oversight of various aspects of the City of Santa Clara Library system.

Marilyn Edelstein: The applicant is a retired (2023, more than 12 months since retirement) English Professor from Santa Clara University. The application lists several charitable or civil organizations, none of which appear to have any conflict with the City. One such organization, Second Harvest of Silicon

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Valley, has had partnership with the City in the past and is listed as a “Community Partner” of the City. However, it is highly unlikely that any item dealing with Second Harvest will come before BOLT. Therefore, it is our opinion that the application itself does not reflect any apparent financial conflict of interest or incompatible office.

**cc:** Nora Pimentel, MMC, Assistant City Clerk