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>> Mayor Reed: Good afternoon, want to see if we can get our council meeting started. I know there's some councilmembers in the green room that will be coming out as we get rolling here. Today is a special meeting just for the purpose of interviewing and making a decision for civil service commission applicants. And we have people lined up ready to go. On average it takes about 15 minutes a person, and I think we're down to about ten people left in the pool. Right, City Clerk? 11, 11 in the pool. So we need to get started, and we'll take them one at a time. And as we usually do, a couple of minutes for them to tell us why they want to do this and then questions and answers and then we'll move on to the next person. Anything beyond that City Clerk that we need to mention before we get started? Ong, our first person interested in civil service commission is Joyce Cordi who is with us. So Joyce. Any other applicants that are here we always make you wait outside so you don't get to hear the questions because some of them get repeated. So Joyce is with us. She'll be the first to speak. We welcome Joyce. Thank you for your interest. We usually do this in a committee meeting so it's less formal, but it was booked. So you can pull that microphone down a little bit, there you go, take a couple of minutes to tell us why you are interested in this position, and then we'll do questions answer answers. Take it away, thank you.

>> I've attended a number of city council meetings as well as district level discussions about the city's ongoing budget issues, and most recently district 1 discussion about the current vacancy and recruitment for a new police chief. What I'm struck by is the distrust between city employees, city government and us, the citizens who receive city services and who pay the bills. That led me to do a google search on the civil service commission and I learned three things that the commission has three roles. The first is to investigate personnel administration and to make recommendations to the city council. To me, this means working together to improve recruitment processes, job classification processes, training programs and professional practices and policies as well as addressing specific problems. The commission also appoints members to the civil service salary setting commission, always an issue in the city. And I hope that in that recommendation process to the city council, that the commission can also contribute to a discussion about the classification and promotional processes. Last, the commission apparently acts as the appellate board for individual personnel decisions taken by the city. A review of two years of commission minutes led me to conclude that this is the primary function of the current commission. And I also learned that there was an opening on the commission and I thought I'd apply because I believe the commission can be a bridge between the council, the community and the classified employees. And I

bring a broad set of skills that contribute to all three of the commission's objectives. So I think that's what brings us here today.

>> Mayor Reed: All right, thank you. Let's see if we have any questions to start off here with. I have one to begin with. Are you familiar with any policies in your work around zero tolerance for things like sexual harassment and some other things that might warrant a dismissal on the first offense, and if so, do you have any philosophical objection to taking action even if it was the first offense, if it was bad enough behavior?

>> Yes I do. While you won't find it on my Website I actually spent the first ten years of my career in personnel administration both in high technology and working for the University of California and Lincoln national life insurance company. And in all three of those roles I was very closely involved with sexual harassment activities, in fact I experienced one. And you know we won't talk about that. And so yes, I very firmly believe that the workplace must be a transparent objective, and civil place, and that sexual harassment, bullying name calling anything like that is a reason to dismiss on the first offense.

>> Mayor Reed: Councilmember Constant.

>> Councilmember Constant: Thank you, mayor. First of all thank you for your application to serve on the commission. I have a couple of questions for you. The first is, do you feel that commissioners on the civil service commission represent the interests of the city council, the city administration, the individual employee, or the general public, and why?

>> I believe it is most -- it is the general public because that's where we come from. We're civilians. If the people who serve on that commission are civilians, they're volunteers. They bring a certain expertise to the task but you don't volunteer because you have or you shouldn't because you have a prejudice. I believe that it is more important to help people to see what they have in common than what separates them. And that's how we build a stronger city. And by -- and therefore, to actually -- the civil service commission should always be transparent, and it should be obvious, that there is no bias.

>> Councilmember Constant: Thank you. And can you speak a moment about your philosophy on balancing employee rights, versus the need to hire and retain effective employees?

>> Well, I think the two things should go together. If you do a good job in hiring and a good job in personnel administration, in terms of performance reviews and areas for you know indicating areas for improvement, setting out programs that help people get better at their jobs, that you will have a better workforce. And I think that is an area where from reading the minutes I feel the commission can do a better job.

>> Councilmember Constant: Thank you very much.

>> You're welcome.

>> Mayor Reed: Any other questions for Ms. Cordi? Okay, thank you very much. City Clerk bring in our next candidate, which would be Shane Patrick Connolly, according to the list I've got. Shane, welcome. Come on over to the podium. Thanks for your interest. We'll give you a couple of minutes to tell you why you're interested in this job and then have some questions and answers.

>> Thank you, Mr. Mayor. Good afternoon, ladies and gentlemen of the council. So I applied to this because I really think it's important for us to take on leadership roles in our community, in order to serve our community. And in upstate New York where I grew up, after college I served on the zoning board of appeals. Which is a similar quasi-judicial body where you make decisions by objectively weighing the evidence presented against the regulations and laws that pertain to, in that case, zoning. And I've been involved in the community, as many of you know as president of San José-Dublin sister city committee and involved in other nonprofits. And this is a way I look at to be more formally involved in the civic life of San José and to give something back to the community that I enjoy living in and promote to others. So I guess I'll just be brief in my opening statement. A little bit about my background. Work-wise, I was the controller of a \$180 business unit of a large manufacturing company and in that role I took over the human resources function, oversaw the workers compensation investigation and

negotiations and had input into the negotiation process with represented employees and have been a represented employee myself when I worked for the state of New York and the county of Oswego and I guess that's all I'll say now and I'll open up to your questions.

>> Mayor Reed: Thank you for your interest. My first question has to do with zero tolerance. There are some things which we have city policy on that does warrant dismissal for a first offense depending on the severity of the offense. Sexual harassment is one of those categories and I just wanted to know if you had a philosophical problem with a dismissal for the first offense and if you think we have to have progressive discipline no matter how bad the first offense might be?

>> As a manager of my corporation, we had a similar policy for certain very egregious offenses like physical violence or sexual harassment or other things. And I would not hesitate to apply the rule as required. After, you know, objectively weighing the evidence in the appeal. Because it's important that we set standards in our environment, work environments, as to what's acceptable and what's unacceptable behavior.

>> Mayor Reed: Councilmember Constant.

>> Councilmember Constant: Hi Shane, thanks for applying and it's good to see you here. Been seeing you around a lot throughout different city events over the last couple of years and appreciate your involvement. I have a couple of quick questions for you. The first is, what is your philosophy on balancing employee rights versus the need to hire and retain effective employees?

>> Um -- for any organization to be effective it obviously needs effective people. And they need to be treated fairly. And that's why we have -- that's why the city would have the civil service protections that are in place, in place. And others work rules. And as long as those are made clear, from the outset, to people, when they're hired, or as part of their orientation process, or however that is conveyed, they know the playing field they're on and they can you know react accordingly. And so I think that -- and those also lay out rights for the -- you know, the balance of rights between the employers and the employees. And you know, the job obviously is civil service

commission is to take up disputes in those rights but also to make recommendations to the city council as to how they might be better administered or applied. And so I hope that answers the question satisfactorily.

>> Councilmember Constant: Thank you. The next question is the role of the individual civil service commissioners, do you feel that role is to represent the interests of the city, the city administration, the city council, the employee, or the general public or some combination thereof?

>> Well, I think there are multiple stakeholders in this. But the role of the commissioner is not necessarily -- well, it is to serve this city council in the advisory role, but in the -- with their jurisdiction for appeals, the personnel matters, their responsibility is to objectively weigh evidence and come to the right decision based on that evidence. You know, not based on any individual characteristics or whether you know you like the city council and you know or whatever. So there is some different responsibilities, based on the nature of the different roles. They also appoint the members of the city council salary setting commission. So obviously, that has to be an objective kind of selection process. That doesn't -- that well represents the community. So I think the bottom line is, you know, we're really ultimately working for general public who we're all accountable to ultimately, the commission, via the council, but the council obviously directly.

>> Councilmember Constant: Thank you Shane. Thank you again for applying.

>> Mayor Reed: Any other questions or anything for Shane? Okay, thank you very much, we appreciate your interest.

>> Thank you all are, have a good day.

>> Mayor Reed: You can go out any way or you can stay, your choice.

>>> I'm going to guess you're Jeff Kallis.

>> I was just going to introduce myself, good afternoon I'm general plan Kallis.

>> Mayor Reed: Good afternoon. Thanks for your interest. We'll give you a couple of minutes and then subject to questions and answers. If you tilt that down eligibility that will be great. There you go.

>> All my life I've been involved in one way or another with public service. I've been a university professor and I provide free legal consulting to students at San José State and have for almost 30 years -- well, free legal consulting for about 15 years and prior to that other types of free consulting to students. I've been involved with and am still involved with animal service, that is trying to get feral cats taken care of. And I believe we have a responsibility to do those things that we can do, that will be the most beneficial to our community. I've got a unique education. And that's a Ph.D. in economics and I'm a lawyer. And I practiced in the area of employment law. So I have some knowledge there. My interest in this position is one of being able to bring to bear a lot of my strengths and abilities to help the city resolve problems. And set fair and reasonable policies that work for both employees and administration and management. That's why I want it.

>> Mayor Reed: Okay. Thank you for your interest. We'll have a few questions for you. I'll start with a question about zero tolerance. In some areas there may be city policies that have zero tolerance in which the administration thinks that termination is warranted, even though it may be a first offense, based on the severity of the actions. I'd like to know if you have a philosophical problem with termination for first offense, depending on the severity of the situation, or if you think everybody should have progressive discipline no matter what the first offense is?

>> Well, there's two factors there. You've got the nature of the offense and you've got the strength of the evidence or information about the offense. If you have a serious offense and you have strong evidence to support or back up the offense did, in fact, occur as alleged. I have no problem with a strict adherence. But I would have a problem if you said well, it doesn't matter where the information came from. It doesn't matter how credible the information is. If there is a claim that you did something, irreprehensible, the claim is sufficient. I would have that - that would be a problem for me.

>> Mayor Reed: Councilmember Constant.

>> Councilmember Constant: Thank you, mayor. Thank you for applying for this position. I do have two questions for you. The first one is: Do you feel the role of a civil service commissioner is to represent the interests of the city council, the city administration, the individual employee, or the general public?

>> Well, that's a slightly loaded question. So let me see if I can answer it in multiple parts and I'm not a politician so I'm not going to try and avoid them. In fact, all of them. The loyalty, or the oath you swear as to the constitution and the laws of the state of California. And that's where you start. You are, as a commissioner, you are balancing the needs and the rights and the hostilities that come with interactions of people and institutions. So I don't think that you really are representing a particular entity. If you were, you would not be an independent commissioner. I think you're representing a concept. And that's a concept of fairness, equality, and reasonableness. You do more than just hear grievances, you also attempt to set policies. And when you're attempting to set or recommend policies, you are representing the population, the voter. When you're dealing with a grievance-type situation, then I think you are really acting in a constitutional row under fairness and equity. So that's how I would answer that question.

>> Councilmember Constant: Thank you. My second question is what's your personal philosophy on balancing employee rights versus the need to hire and retain employees? Effective employees?

>> I'm not quite sure I understand the question. Employees have rights. Some of those rights are established by contract. Some of those rights are established by statute. And organizations need to have new blood. So if I understand your question, I think that it's necessary to have flexible hiring standards that take a look at many things. Not just a strict interpretation of the job standard. By the same point, if you have employees who are covered by some sort of protective umbrella, I think you have to respect that.

>> Councilmember Constant: Thank you.

>> Did I misunderstand your question?

>> Councilmember Constant: No I think you answered it, thank you.

>> Mayor Reed: Councilmember Liccardo.

>> Councilmember Liccardo: Thanks mayor. Mr. Kallis, thank you very much for your willingness to engage in this process and your willingness to serve. I notice that you've -- in the past you were an employee with Cook county and also the state of Alaska.

>> That's correct.

>> Councilmember Liccardo: My question is have you ever yourself been involved as a subject to a proceeding analogous to the subject we have here the civil service commission? If you don't want to discuss the details, that's fine. I'm just interested in knowing if you have personal experience in going through this.

>> The answer to the question is yes, I was once brought up on an improper use of force when I was a young sheriff, and I took a ten-day leave without pay.

>> Councilmember Liccardo: Did you have any feelings about the fairness of the process, your -- whether or not you were treated fairly by that process?

>> The process was fair. I mean, I violated a rule. At the time I did it, I thought it was the right thing to do. In retrospect, I'm not sure I -- I changed my view, that it seemed to be the right thing to do at the time. But it was wrong and the system worked the way it's supposed to.

>> Councilmember Liccardo: Thank you. Thank you very much for your honesty.

>> Okay. Anything else?

>> Mayor Reed: I don't see any other requests. Thank you very much for your interests in this position. Thanks for being here. You're welcome to leave in almost any direction or you can stay. It's up to you.

>> Thank you very much.

>> Mayor Reed: Thank you.

>>> Hello, welcome. I'm hoping you're Vandana Kumar. Did I get your name pronounced right?

>> Actually it's Vandana.

>> Vandana. Thank you for your interest in this position. We'll give you a couple of minutes to tell us why you would like to have us appoint you, and then we'll do some questions and answers. Go ahead.

>> My name is Vandana Kumar. I publish a magazine for the Indian and Indophile community called India Currents. We've been publishing for 24 years. My business is based out of San José. I've been a San José resident for all this time. Little bit more about my magazine I guess. We publish in two editions, one in the San Francisco Bay Area and one in the Los Angeles area. I have raised my family. On a personal note, I was an arranged marriage bride that came to California, thankfully to a wonderful marriage, wonderful man. Unfortunately he passed away in 2001 of cancer but I have raised two boys in East San José. My two boys have graduated from U.C. Berkeley, they are now working in San Francisco. And I find that I have time. And I've always been interested in how government works. Part of the reason why I became a citizen to participate in the political process. And I didn't have time earlier to do anything more than cast my vote, because I do vote in every election. Every election. But I saw this opportunity, I thought this might be a chance for me to serve the community in some small way.

>> Mayor Reed: Thank you. Thanks for your interest in the position. Some of our policies in this city have basically what we call a zero tolerance in things like sexual harassment. On occasion when the circumstances warrant it, that the administration believes somebody should be terminated even on the first offense, because it was a severe behavior. Do you have a philosophical problem with a termination on the first offense even though it might be the first offense?

>> Mayor Reed: Say any particular issue like a issue like sexual harassment do you have a philosophical.

>> I don't have a philosophical problem with that as long as expectations are made to employees right from the beginning, as long as it doesn't come as a surprise to them then they know the rules.

>> Mayor Reed: Councilmember Liccardo.

>> Councilmember Liccardo: Thank you, mayor. Ms. Kumar, thank you for your willingness to participate in this commission. As a publisher, do you supervise paid employees? Or is --

>> Do I supervisor --

>> Councilmember Liccardo: Paid employees, okay.

>> I have I a like I said I run the small business. I have employees that work in the company. I also have some contractors that do outside delivery work but none of them are city employees.

>> Councilmember Liccardo: Of course not. Although if you are looking to hire -- okay, well thank you. I just wanted to know if that was part of your role. Thank you very much.

>> I am to address that a little bit more I'm actively involved in the day-to-day running of the business. Hiring, planning, negotiating contracts. You know. All of that I'm very familiar dealing with employee issues. Since it's a small company and I am the sole owner, eventually, the problem is something I have to resolve. And I'm happy to say I haven't had any real issues.

>> Councilmember Liccardo: So HR issues are resolved by you?

>> Yes.

>> Councilmember Liccardo: Thank you.

>> Mayor Reed: Councilmember Constant. .

>> Councilmember Constant: Thank you for your time and willingness to serve. I have two questions for you. The first is do you have a philosophy on the balancing of employee rights versus the need of an organization to hire and retain effective employees?

>> I don't think I can quite address that. Because I haven't had to face a situation where I have a to make a choice of I have to do a certain thing. Part of being small business owner I really can do -- I'm not breaking laws but I can hire who I think is the right person. Did I address that?

>> Councilmember Constant: Yes, that's fine, thank you. My next question is about the role of the civil service commissioners. Do you feel that the role of the individual commissioners is to represent the interests of the city council, the city administration, the individual city employee, or the general public at large?

>> My understanding is, we -- the commission serves as advisory to the city council. So isn't that how the role is defined? I like definitions. I like things when they're clearly defined. So based on what I read on the web that's what I understood.

>> Councilmember Constant: Okay. Thank you very much. And thanks again for applying.

>> Mayor Reed: Any other questions from the council? No. Thank you very much. Thanks for your interest.

>> Thank you.

>> Mayor Reed: You must be Mr. Berry.

>> Yes, sir.

>> Mayor Reed: Looking at the schedule we're a little bit ahead of the schedule. Nice to have you here. Thank you for your interest in this job. We'll take a couple of minutes and let you tell us why you're interested in it and ask you some questions. Thanks.

>> I guess when I was sitting in there I was thinking about what would be of interest to you. I think one of the most positive things I bring to the table is I'm an old guy. I've been there I've done a lot of things wrong, I've been there. I grew up in a union household. My father was actually the president of his union so I have that understanding. I also spent many years in Fortune 500 companies, managing, and as any HR director knows, every manager makes lots of mistakes, and I've made my share of them, and I think I've learned from that. So I think I'd bring a lot of experience to the table that maybe some younger people might not. But I think more than that, I also understand the very legal consequences of everything this council does or this commission. I have a tremendous respect for the law and I work in the law about half the time. I spend about half of my time as an expert witness in litigation cases but I also think and I put it on my application that I have a lot of training in mediation. And mediation of course is different than litigation, in that you look for ways to find solutions. You look for ways to help people work together. And I have had a lot of experience in both education and experience in that area. And so I think I bring that to the table, as well.

>> Mayor Reed: Thank you for your interest. We'll have a few questions. I'll start with one about zero tolerance. We have some problems in the city, sexual harassment being one where we tend to take a zero tolerance approach. So there maybe times when the administration feels that somebody should be terminated on the first offense due to circumstances of the offense. And I'd like to know if you have a philosophical problem with termination necessitating people even if on the first offense the circumstances are appropriate.

>> I believe in the -- you know, this is a society of rules and laws, and I'm -- if the law and the rules of the council or the departments are that, then I'll live with whatever. I mean you got to follow the rules. I do think outside the box but there are rules. And I think that if that's what the council or the department wants to do, and that's legal within it, and the attorneys from the departments have I'm sure given advice on that issue I would follow whatever their advice was.

>> Mayor Reed: Councilmember Constant.

>> Councilmember Constant: Thank you, mayor. And thank you sir for applying, and taking your time out of your day to come talk to us. I have a couple of questions for you. The first is, about the role of a commissioner on the civil service commission. Do you see that individual's role as representing the interests of the city council, the city administration, the individual employee, or the public at large?

>> I'm not sure legally, Mr. Constant. I kind of visualize it that it has to be somewhat of a balance. I think that you're asking for a cross section of people to come in and give their opinions. And -- but I think that the -- that is commission is a -- is at an appeal level, decision has already been made and as I understand, they're brought to their -- at the appeal level. So I think all I can do is make my best judgment, and then whatever turns out, I don't think I represent any one party. I think if you are a member of a commission like this, it would be my opinion that you'd give your best judgment.

>> Councilmember Constant: Thank you. And my second question is, what is your philosophy on balancing employee rights versus the need to hire and retain effective employees?

>> Boy, I've lived with that as a manager for many years. That's a tough one. I think retention is important. Because obviously, you've invested a lot of money in people to get them there. But I'm not sure exactly where you're going with the question. Could you restate it for me so I'll understand what your point is?

>> Councilmember Constant: What is your philosophy on balancing employee rights versus the need to hire and retain effective employees?

>> Employees do have rights. And I'm not sure that overrides the issue of retention. I think if a person is a good employee you try to retain them. If they're not a good employee you get them help and training and warnings and if they are not responding to it then I think they have to be terminated whether they work for a city or for anyone else.

>> Councilmember Constant: Thank you very much.

>> Mayor Reed: Any other questions? I think not. Thank you very much for your interest. Thanks for being here.

>> Okay, thank you, mayor.

>> Mr. Mayor, we're out of candidates right now. We're running so far --

>> Mayor Reed: Yeah, we're a little ahead of schedule so let's take a five-minute break, let the council take a break and let the council sequence catch up with us.

>> Mayor Reed: We're a little bit ahead of schedule, but what we do is give you a few minutes to tell us why you're interested in this position. And then we'll do some questions and answers. So thank you for your interest, thank you for being here.

>> Thanks again for having me. Good afternoon to all of you. My reasons for being here I think are fairly straightforward. It's really just a desire to provide a public service. I have worked all of my professional life in the private sector. I had the good fortune to attend Santa Clara university as an undergraduate and then went on to law school. And graduated from the University of Michigan in 1991. I was a private practice lawyer for 16 years, a partner at Wilson Sonsini representing several emerging growth companies here in the valley and beyond. And it was actually a church, one of my neighbors, who's on the police force in San José, approached me and asked me would I have any interest in serving. And I thought about this, and decided, absolutely. You know, some of the more satisfying experiences I've had, quite frankly, have been serving on boards. I'm on the new school venture fund board, been on for over ten years, that was an outgrowth of my prior practice in law, representing an education company, but really respected the mission of the fund and the work that they did and decided to extend myself and I'm currently on the board of the independent school that my kids attend. And again, it's one of those deals where someone asked me if I wanted to do it. I decided to do it. And two terms later, you know, there I am. So I've been living in San José since 1999. And I have done little to no public related work, and I felt now would be the time. And it's like any of these things, where you only get out what you put in. And we're all busy. But when you find what you do to be important, somehow, the hours manifest themselves. I'm fortunate now, I run a small business and I have a lot more flexibility over my time. So even though I'm not working necessarily any less, my ability to control my hours and time-shift is certainly a premium that I didn't enjoy when I was practicing law. So that's my reason for being here, and happy to take any questions that you have.

>> Mayor Reed: Thank you. I have the first question and it has to do with zero tolerance policies. There are some times when things happen that maybe say in sexual harassment areas where we have basically a zero tolerance policy. So that if something is egregious enough on the first offense somebody may be terminated even though it's their first offense. I just wondered if you have a philosophy problem with term necessitating someone on the first offense if the circumstances are such that it's appropriate?

>> I don't have a philosophical problem and I guess it really comes down to the rules of engagement so to speak. In other words, if everyone is fully aware that there is a zero tolerance policy, and you find yourself now subject to it, as long as I'm satisfied that people understood going in what the deal is so to speak, it's a policy that

has to be applied. And, you know, again, as a lawyer, trained and practiced for many years, you find, oftentimes, that there are situations where it is what it is. Black and white, and you have to, you know, abide by it whether it's a contract or whether it's strict liability. Again it all comes down to facts and circumstances and whether people are aware of what they're dealing with on the front end. So personally, philosophically, no problem. Applying it, I also think it's obviously very important, to approach all of these matters. Because I thought about the role that I would be playing, if I were, you know, selected. And the ability to look at things objectively and dispassionately and remove my personal opinions and emotions away from it and reach the right outcome which is ultimately the most important thing.

>> Mayor Reed: Councilmember Liccardo.

>> Councilmember Liccardo: Mr. Vaughn, thanks for your willingness to participate in the commission. Certainly very impressive work experience and education. I had a quick question about your current role as managing director with SC investments.

>> Yes.

>> Councilmember Liccardo: Do you have HR responsibilities there with the employees, do you have many employees there?

>> I don't actually. Very limited. It's a very small company. There's four of us that work full time. However, indirectly, these what I would call, if I understand you correctly, HR-related issues through the companies that we are invested in that are much larger than our organization. And also, quite frankly when I was practicing law, even though I was a corporate securities lawyer in many case I was advising companies as their general counsel and there would be issues that would come up in this realm and, as a general counsel, even though it may not be my area of expertise I had to be at least conversant and familiar enough with the issues to be able to bring in the right lawyers in my case our firm, the employment group, to resolve a lot of these issues. So over time, even though I

was not an employment lawyer I became intimately familiar with many of the issues that came up in the workplace.

>> Mayor Reed: Thank you.

>> Mayor Reed: Councilmember Constant.

>> Councilmember Constant: Hi, thank you for your time to apply and your willingness to get involved in the city. I have two questions for you. The first is the role of the civil service commissioner. Do you feel that that commissioner's individual role is to represent the city council, the city administration, the individual employee, or the public at large?

>> So my understanding is that the role that I would be playing is, part advisory to the council, as well as in limited instances, serving as an appellate body to hear very specific cases. And so when I think about it that way, I would imagine my role is to the public at large. To make sure that I'm able to be an effective advisor in that particular role, and an objective party to deal with issues that we're asked to deal with. And that again to me was the motivation. I mean I've been fortunate to you know, have an opportunity to practice in a very sophisticated complex private practice. And in the process of doing that, garner a lot of experience and seen a lot, and to me, this is just a great way to, in a small way, give back so to speak. I mean, I've always believed we're the beneficiary of someone's goodwill and part of what makes a democratic society work is we're all willing to give in recognition that we benefit quite frankly, from many of the things that are done in the public sector and it's one thing to talk about it. It's another thing to actually do it. And this is the way I think I could do that. So to me I don't see myself advocating on behalf of the council or the mayor. But instead, providing a public service on behalf of the community.

>> Councilmember Constant: Great, thank you. And my second question is, what's your philosophy on balancing employee rights versus the need to hire and retain effective employees?

>> So I don't think they're mutually exclusive. In other words, I think it is important to protect rights that people have, on the one hand. And I also think it's also important to be able to bring forth and give opportunities to the most deserving of folks. So in other words, if you are doing what you are tasked to do, and you do it faithfully, and you're, you know, consistent and abide by the workplace rules then you should be protected if, for some reason, arbitrarily or otherwise, someone's trying to separate you from the employment relationship. And at the same time, if people are not fulfilling their obligations and their duties and if there's an opportunity to improve upon the work that needs to be done by bringing in more deserving folks, I think that's the way it should be, ought to be, and that's certainly how I've approached things in my own personal life, where, you know, I found myself in similar situations.

>> Councilmember Constant: Great, thank you. And thanks again for applying.

>> You're welcome.

>> Mayor Reed: Councilmember Pyle.

>> Councilmember Pyle: Thank you, I bet you don't miss those Michigan winters.

>> I don't.

>> Councilmember Pyle: I wanted to ask you, you mentioned in the form you filled out that you were on a couple of nonprofit boards. You already mentioned one, which would be your child's school.

>> Right.

>> Councilmember Pyle: What's the other one?

>> So the school my children attend is an independent school, Hillbrook in Los Gatos, and then I'm on the new schools venture fund board and new schools is headquartered in San Francisco but obviously does work throughout the country.

>> Councilmember Pyle: Thank you, that's what I wanted to know.

>> Mayor Reed: Any other questions, Councilmember Oliverio.

>> Councilmember Oliverio: Just wanted to thank you for applying and thank you for your articulate answers to the questions.

>> Thank you.

>> Mayor Reed: I think we're done. We appreciate your interest in the commission. If you want to go or if you want to stay.

>> I'm going to take off. But I appreciate the opportunity.

>> Mayor Reed: Thank you. Okay, we'll take another little break until we get the candidate.

>> Mayor Reed: Let's reconvene. Councilmember Herrera is still in the green room, she hasn't come out. I think she'll realize we've reconvened. Mr. Prunty, thank you for your interest in this position. What we do is give you a couple of minutes to talk about why you'd like to have this position and then we'll do questions and answers. Thank you for being here.

>> Great. As you well know my name is James Prunty, I've been a resident of San José for 38 years. I retired in '01. And I'm trying to do something to give back to the community and get involved in the community. I've been doing volunteer work. I'm an officer of our homeowners association, have been for about six years. I attend

meetings on the green, sustainable energy, I'm trying to keep busy, trying to go, and I pulled this in the web page on the duties, and everything in here is something that I would be able to perform. I was in the procurement industry here in the valley for the entire 38 years. Minus of course since 01. I've been a leader, I've been an individual contributor. That's about it.

>> Mayor Reed: Thank you for your interest. I'll ask the first question. On some matters the city has what's called zero tolerance policy like sexual harassment and sometimes the administration finds that it's appropriate to terminate somebody on the first offense due to the circumstances of the case. I'd like to know if you have a philosophical problem with terminating someone on the first offense if the circumstances warrant it.

>> No, if that's in the laws and the rules and the circumstances warrant it, no, I have no problem.

>> Mayor Reed: Councilmember Constant.

>> Councilmember Constant: Thank you, mayor. And thank you, sir, for applying. I have two questions for you. The first one is about the role of civil service commissioners. Do you feel that the role of the civil service commissioner is to represent the interest of the city council, the city administration, the individual employee or the public at large?

>> I would say all four.

>> Councilmember Constant: Very good, thank you. And the next question is, what is your philosophy on balancing employee rights, versus the need to hire and retain effective employees?

>> Well, I think employees -- if you are going out to hire, if you have requisitioned to hire new people, to me, it would make sense to look in-house to fill those slots. And if you can't fill those slots in-house then go outside of house to fill the slots. I don't see where there should be any conflict between the existing employees, and

someone brought in from the outside, unless they're absolutely convinced that they could have handled the job, and then there are rules and regulations you go through to address that.

>> Councilmember Constant: Great, thank you sir.

>> Mayor Reed: Councilmember Liccardo.

>> Councilmember Liccardo: Thank you for your willingness to serve on the commission and also thanks for all your service in the community as well. I just want to ask about your past jobs. You mentioned procurement. And I assume that was from some high tech companies is that right or -- that was all in the private sector, is that right?

>> Yes, yes.

>> Councilmember Liccardo: Did any of that include, your job ever include HR type responsibilities, hiring, discipline anything like that?

>> In two positions I had as a manager. I was not in the group, I did not report to HR but I did have HR hiring responsibilities. In one instance many years ago I was director of purchasing for the entire United States and I had about 25 people under me, and I have hired and fired every one of them.

>> Councilmember Liccardo: Hopefully you didn't fire all of them.

>> Oh, no no.

>> Councilmember Liccardo: Thank you.

>> Thank you for the opportunity.

>> Mayor Reed: Thank you, you are welcome to stay, this is pretty exciting stuff, I know, to watch other people go through, but you're also welcome to leave, that's just fine. Do we have any other candidates, Dennis? Okay. Okay, so the City Clerk's calling people to try to get them to accelerate their schedule because we're running 20 minutes ahead of schedule. We'll reconvene when the next person arrives.

>> Mayor Reed: Welcome. Just give us a -- I think we're still a councilmember short, they'll come in. They were taking a little break.

>> Would you like me to start?

>> Mayor Reed: Well, we lost track of where we are in the list of people. You're early, I know nap thanks for coming early because we're running ahead of schedule. What we do is give you two minutes to talk about why you're interested in the person. Then we do questions and answers. My first question is, I need to make sure I've got your name right, and know how to pronounce it right. So start with that if you would.

>> Okay, I'm Adrienne Lilly.

>> Mayor Reed: Thank you, Adrienne, thanks for joining us.

>> You're very welcome. Thanks for having me. I most recently finished a stint on the civil grand jury this past June, and I found it to be a very interesting view into local government, how it operates where it operates well, where it doesn't operate so well. I was very interested in continuing with that sort of work and also doing something that I personally found interesting and something that will benefit me professionally, just in terms of my own development. So that's why I'm applying for this particular commission. I'll tell you a little bit about myself. I'm an attorney by training. I went to Cal for law school. Went out to Minnesota for several years to practice. Found it far too cold for my liking. So I came back to California, where I joined knight Ritter and I've been in San José ever since. So that's a little bit about me and I'll be happy to take your questions.

>> Mayor Reed: Thanks for your interest. I'll start with the first question and that's what I've called a zero tolerance in some instance test city is pretty tough on people, with like sexual harassment cases where the circumstances are appropriate, term necessitating people for first offense. And when that's appropriate, I just want to know if you have a philosophical problem with terminating somebody on the first offense if the circumstances warrant it?

>> Not at all. I think zero tolerance policies are in effect for very good reasons. They help keep workplaces running smoothly. They help maintain I think the confidence of all the employees if they know that there's a very bright line that people aren't allowed to cross. I think they're a good thing. I have no problem with that sort of thing at all.

>> Mayor Reed: Other questions? Councilmember Constant had some questions but he's still in the green room. Councilmember Liccardo.

>> Councilmember Liccardo: Thanks mayor. Ms. Lilly thanks very much for your interest in serving. And you obviously have an extraordinary background in education so we would appreciate your willingness to participate.

>> Thank you.

>> Councilmember Liccardo: Just a quick question about your role with Knight Ritter as assistant VP. Did you have management responsibilities that would include HR-type responsibilities like hiring and discipline and things like that?

>> I did not directly. I worked with HR on a lot of compensation matters, certain investigations. If we had more high-profile investigations of executives where there was an alleged wrongdoing, oftentimes I was involved particularly with any sort of E-discovery, electronic discovery and those sorts of things but I was not involved with hiring and firing as a general matter.

>> Councilmember Liccardo: Thank you.

>> You're welcome.

>> Mayor Reed: Councilmember Constant.

>> Councilmember Constant: Thank you mayor, sorry I didn't get out here quickly enough. I have two questions for you.

>> Yes.

>> Councilmember Constant: The first is a question on your philosophy. What is your philosophy on balancing the rights of employees versus the need to hire and retain effective employees?

>> Well, I don't know that I have a specific philosophy. I think that employers always have to strive to make the right decisions in those instances. And you have to be sensitive to, certainly, the rights of employees, as well as your legal obligations as an employer to make sure that you are doing everything within the law. But also being respectful of employees. I hope that answers your question.

>> Councilmember Constant: Yes, it does, thank you. My second question is about the role of the individual commissioners.

>> Uh-huh.

>> Councilmember Constant: Do you feel that the role of the commissioner is to represent the interests of the city council, the interests of the city administration, the interest of the employee, or the interest of the general public?

>> Interesting question. As I read the job description, my sense was that we take all those various constituencies into consideration. But the primary role is to do the right thing. So whether the city council agrees with a particular recommendation I think that's irrelevant. I think the goal is to do the right thing and serve all the constituencies.

>> Councilmember Constant: Great. I did have one more question. We do have two different positions available on the civil service commission. One is for an attorney position and one is for a nonattorney position. Now I know you are a licensed attorney.

>> Correct.

>> Councilmember Constant: But are you or are you not licensed in the state of California?

>> I'm not licensed in the state of California. The rules are a little different if you work in house if you work for companies than if you work for law firms.

>> Councilmember Constant: Okay, so you understand that if we were to select you it would be the nonattorney position.

>> I do.

>> Councilmember Constant: I assume you don't have an issue with that at all?

>> Not at all, not at all.

>> Mayor Reed: But it is okay for a lawyer to have the nonattorney position.

>> I think we're excellent in the nonattorney positions as well.

>> Mayor Reed: You have to have a minimum of one attorney in the position.

>> Councilmember Constant: Heck don't we have three of them on this dais?

>> Mayor Reed: Councilmember Pyle.

>> Councilmember Pyle: I think the question I wanted was asked.

>> Mayor Reed: The application formats sometimes it drops information and on the front you were a member and volunteer of the common wealth club.

>> Yes.

>> Mayor Reed: Board of directors of the girl scouts?

>> Correct.

>> Mayor Reed: All right, I thought I -- how did you get involved in girl scouts?

>> I used to be a girl scout, I was a brownie before that, and I loved the organization. I had a really great time as a girl scout. I learned a lot about citizenship and you know sort of basic skills that they taught us back then and I've always loved the organization. And I wanted to be involved at a high level with policy making and really shaping the direction of the organization.

>> Mayor Reed: Any other questions? Seeing none thank you very much. We appreciate your interest.

>> Thank you.

>> Mayor Reed: You're welcome to stay. You're also welcome to leave. We won't be offended if you need to go.

>> Lee Price: Mr. Mayor, Margaret Akdeniz, she came a little bit early, but if you want to flip to her application, I'll bring her out.

>> Mayor Reed: Let's do that. hello and welcome. Thank you for joining us and thanks for being early because we're running way ahead of schedule and we're kind of having to shuffle things around.

>> My office was up the street on Devine street so it's a quick jump.

>> Mayor Reed: Thanks for coming in early. We'll let you talk a couple of minutes on why ire interested and then we'll ask you a couple of questions and it's revolt simple.

>> Mr. Mayor, chamber members, my name is Margaret Akdeniz. And I'm a lawyer here in the city of San José. I've always practiced in San José. And my 11 years' experience has been with employment and labor law. I've never worked in any other area of law, and presently I'm serving on the human rights commission as a commissioner. I've been there for the past year. But when the opening came up and I became aware of the opening in civil service, I feel that my particular skill set would be best served to the city if I were on the civil rights -- civil service commission. I have a unique credentials in the fact that I worked in labor and employment for 11 years. I have worked both as a defense attorney for management, and I've worked as a plaintiffs attorney. I've worked for and against public and private sector entities, presently for the past five years I founded my own law firm I have a balanced practice that's about 50% small business people, and then about 50% plaintiff work. So I've kept a balance of management and employee throughout my legal career to some extent. As a lawyer, of course all lawyers have certain things we're trained to do. Analytical thinking, fact-searching, issue-spotting. But I also bring to the table and to the commission knowledge of the federal and state laws, many of the municipal codes, referable to employees in the civil -- in the private sector. I have appeared before personnel boards, but I've never appeared before the City of San José. So I've been to the county or the state. So I feel like I professionally have things to offer that may be unique and personally my career otherwise in my personal life I spent involved in other

service things like I was an officer in the United States navy reserve for 15 years and I am a member of various community organizations. I worked as a leader, and I worked as sort of a foot soldier, participating with other people in the community, to set goals and to reach them improve our city.

>> Mayor Reed: Thank you.

>> Thank you.

>> Mayor Reed: I'll take the first question and that has to do with zero tolerance policies. In some instances there are some offenses that the administration believes people should be terminated on the first offense such as sexual harassment is one of those areas.

>> Right.

>> Mayor Reed: An in the appropriate circumstances I -- my question is whether or not you have a philosophical problem with terminating somebody even if it might be the first offense if the circumstances warrant it?

>> Not at all. As a lawyer I believe we're a country of laws. I've been involved with cases in the past with the city and county. I'm well aware of the policies that you have in place here in the city which are excellent. For example in sexual harassment. You have perfect compliance you know, you've got a framework there that's in perfect compliance with the law and I think affords the employee all the benefits of justice. The fact that there's the civil service commission at the end to review what's gone forward indicates that. So no, I have no -- and as a naval officer I learned as a young woman that you know when you're in charge or you're responsible the buck stops there and you make your decisions.

>> Mayor Reed: Thank you. Councilmember Constant.

>> Councilmember Constant: Thank you, mayor. And thank you, for your interest in the position, applying.

>> Thank you.

>> Councilmember Constant: I have two questions for you.

>> Yes.

>> Councilmember Constant: The first is about the role of the individual commissioners. Do you see the role of the individual commissioners as representing the interests of the city council, the city administration, the city employee, or the general public at large?

>> Well, the role of the commissioners, my understanding of the civil service commission is basically, bifurcated. There's two elements. One element is to advise and make recommendations to all of you regarding civil service rules. And also, to, I believe, help -- recommend the appointments to the pay salary commission. So that's sort of an administrative supportive role which is more in line with the human rights commission, and I think other commissions. What is unique about the civil service though is as a second component goes to decision-making, very serious decision making that impacts people's lives perhaps permanently and irrevocably. That fits into the judiciary, quasi-legal, we're charged to do investigations and also hearings regarding personnel grievances. In this sense, the commissioners must as decision makers and fact finders must be like judges. They must be neutral. The city has the laws. That's why there has to be knowledge of the municipal code, the police officers bill of rights for example, code of ethics in the city. There has to be knowledge of that because that has to be applied to the facts. And I'm well aware that city employees are -- at least have the opportunity to be well versed in what the framework is for personnel policies. So there's no blind-siding anyone. And if someone unfortunately does make an egregious mistake, even if it's only the first time, then if it's called for termination it must be termination in agreement with the other commissioners.

>> Councilmember Constant: Great. My second question, I notice you've been on the human rights commission. How do you see -- do you see if you're appointed here that you would resign your position there?

>> Yes.

>> Councilmember Constant: Okay.

>> I believe it's policy that you can only be on one commission at the time. I'm not sure.

>> Councilmember Constant: I just wanted to see what your viewpoint was there, if you felt --

>> I feel like I would be better used by the city with my skill set. And it also lies in the fact that recent budget cuts to the commission, we're only going to be meeting three times a year. And when I was originally volunteering to be a commissioner I looked very seriously at the service in the commission, there are no openings so --

>> Councilmember Constant: Thank you very much for your interest.

>> Mayor Reed: Vice Mayor Chirco.

>> Councilmember Chirco: Your last question was one of mine. But the other one was, if you are appointed, you would not be able -- you or your law firm would not be able to represent, do you see that as being an issue?

>> Yes, and I put that down on my application. Simply being on the human rights commission I've referred all my referring alternatives. My practice is basically a referral practice. I've referred all my referring attorneys that I cannot represent anyone connected with the City of San José. And if someone does come to me, and when they announce to me that they are connected with the city either as a vendor or as an employee I immediately stop them and tell them what my position is and that I cannot represent them and I refer them to another attorney.

>> Councilmember Chirco: And did I understand you in your answer to Councilmember Constant's last question, your intention would be to stay on the human rights --

>> Definitely not. I would resign.

>> Councilmember Chirco: Okay.

>> Because I believe it's against policy to be on two.

>> Councilmember Chirco: Thank you very much.

>> Okay.

>> Mayor Reed: Councilmember Chu.

>> Councilmember Chu: Thank you mayor. I just want to take this opportunity to thank you very much for your services in the human rights commission.

>> Thank you.

>> Mayor Reed: Any other questions? I think not. Thank you very much for taking your time to come down here.

>> Thank you.

>> Mayor Reed: We appreciate your interest.

>> Thank you very much.

>> Mayor Reed: Okay, well we're running about a half-hour ahead of schedule. If they get here early that's a good thing. We'll just take them as they arrive. We'll have to do two votes because the first selection, we have to

have one lawyer out of this pool and we have to have one woman out of the pool. So we'll do two votes, I think first we'll pick the lawyer which is easier because there's only three in the pool that qualify for that. And then I think a second vote on the others. Unless we have two positions. Now, let's see, the lawyers we have seen all the lawyers, that's Margaret Akdeniz, you just saw. Isaac Vaughn and Jeff Kallis are the three lawyers. Yeah, we could do that City Clerk, is there any reason we couldn't go ahead and discuss the lawyers and get a vote on that while we're waiting for the other candidates to come up? City Attorney doesn't have any objections do you Rick?

>> City Attorney Doyle: No.

>> Mayor Reed: All right, let's see if we can get the council all back from the green room.

>> Lee Price: And I'll take just a moment just to get your digital ballot ready to go.

>> Mayor Reed: Okay. So we have three lawyers in front of us who are admitted to practice law in the state of California. And so those are the three which we need to pick if we can, a lawyer. To be on the commission.

>> Lee Price: And Mr. Mayor, your next candidate is here so if you would like to go forward with the next interview Mr. Parker is here who is not an attorney or we can go forward with the vote on the attorney. Totally up to you, sir.

>> Mayor Reed: How long will it take you to get the ballot ready for the lawyers?

>> Lee Price: It's ready to go now.

>> Mayor Reed: So why don't we go ahead and finish up the lawyers part of this. So we have those three, Akdeniz, Vaughn and Kallis. The electronic ballots, there they are. This one is relatively simple. Pick one.

>> Lee Price: Okay, all votes are in.

>> Mayor Reed: All right, so we have six votes for Margaret Akdeniz, five votes for Isaac Vaughn. Correct, City Clerk? That's what I'm reading. We need six votes to appoint, so that means Margaret Akdeniz would be the appointee for the lawyer's spot, correct? Am I counting the votes right here?

>> Lee Price: Mr. Mayor, you can go ahead and fill this position as the unexpired vacant term, or you can fill it as the full term. It's up to the council.

>> Mayor Reed: Why don't we wait until we get the other selection. Now, these two folks are also eligible for appointment into the nonlawyer's position as well. So they'll still be in a pool when we come back then, okay? Everybody got that? So now we'll move on to discussing -- well, interviewing the other two candidates. For the other spot on the commission. Okay, joining us now is David Parker. David, thank you for coming early. We're running a little ahead of schedule we appreciate your ability to be here.

>> Thank you.

>> Mayor Reed: We appreciate that, thank you. We'll let you talk for a couple of minutes about why you want to be appointed then we'll do some questions and answers. So take it away.

>> Okay, Mr. Mayor, and members of the city council. My father was a firefighter for over 20 years and instilled in me as a child that public service is both a gift from and a responsibility to the community you live in. That philosophy followed me cub scouts up to the age of 34 which I am now. In San Francisco I had the privilege of being appointed by the San Francisco Board of Supervisors to the delinquency prevention commission where I worked to create programs to reduce juvenile delinquency. Seeing my commitment to open government, the board of supervisors appointed me to the Sunshine Ordinance Task Force in which I served on a quasi-judicial body to decide on cases related to violations of the Brown Act, California public records act and the local sunshine ordinance. I volunteered many hours to improve citizens access but more important I was fair in my judicial approach in creating orders of determination with my colleagues to remedy the situation and

complaints. This skill is especially important because the civil service commission must maintain a balance between the needs of the city, the employees rights but most important what's right for the public as the public is the paying customer. I try to ask questions which may not have been considered which can best remedy a situation and assist all concerned parties. In 2006 this city council appointed me to the human rights commission and I am currently in my final term as vice chair. During my tenure I have worked with the public to address issues that matter to our community. Equal marriage rights, corporate rights and drafting recommendations to council regarding payday loan establishments and policies to the San José police department. With three and a half years on the commission and committee meetings and retreats and the ten week citizen police academy in 2007 I am proud to say I have only one absence. If I'm appointed to this position I would resign my position with the HRC effective by taking office on the civil service commission. Currently I'm a justice systems clerk with Santa Clara County. Prior to being employed with the county I was a manager for WDI international. As a private sector manager I was responsible for the hiring, training, discipline and separation of over 70 employees. Based on this experience I know the responsibility managers and supervisors face in balancing employee rights and the law with company policy and procedures. As a manager with direct human resources duties I was required to know local state and federal law including but not limited to equal opportunity and FLMA. Many of you know my appearances before you as a member of the public regarding the public intoxication policies, the independent police auditor's report, improving police-community relations, and Internet filters on the computers within libraries. In considering these many application I ask that you give strong consideration to my colleague on the HRC, Margaret Akdeniz. Since her appointment Margaret has approached many of our discussions in a very deliberate manner in an effort to get at the heart of the matter. Council, I very much have enjoyed serving on the HRC and I wish to continue my service to this great city and the community I reside in. I can and will commit myself to fair deliberations which balance the law the facts the policies and the standards of the City of San José. Thank you.

>> Mayor Reed: Thank you. Thank you for your interest. Thanks for being here early. I'll take the first question and that has to do with zero tolerance policies. There are some cases in which the administration determines that somebody should be terminated on the first offense such as sexual harassment is one of those areas where sometimes that determination is made because of the egregious nature of the offense. My question for you is

whether or not you have a philosophical problem with terminating somebody, even though it is the first offense, when the circumstances warrant it?

>> Mr. Mayor, I don't have a philosophical problem with that. As a public sector employee right now, county employees I'm not sure what the city policy is but as soon as we're hired we are given two classes that are -- we're required to take. One is a diversity class which is an eight-hour class. It discusses harassment, discrimination in the workplace, covering all protected status, and then the second class is a four-hour class which talks about sexual harassment prevention, and I've taken both those classes. So if the city has provided training such as that and has made it clear to an employee what the policies are regarding sexual harassment and discrimination within the workplace, I think upholding a termination is the responsibility of the civil service commission if it's warranted.

>> Mayor Reed: Thank you. Other questions? Councilmember Constant.

>> Councilmember Constant: Thank you, mayor. I have two questions for you. The first is about the role of the civil service commissioner. Do you feel that the role of a civil service commissioner is to represent the interests of the city council, the city administration, the city employee, or the public at large?

>> I think first and foremost as I said in my statement the public first and foremost because they're the ones who are paying us to do our duty as commissioners and as civil servants. But you also have to balance the needs of the city, and the needs of the employee. And be objective and take each case on an individual basis. That's the most important duty as a civil service commissioner.

>> Councilmember Constant: You mentioned the balance between the employee and the city. What's your philosophy on balancing the employee rights versus the City's need to hire and retain effective employees?

>> I think that when an employee comes in to employment, they're told what their rights and responsibilities are as that employee. And we want to make sure that termination is a last resort, and in a lot of cases I think

progressive discipline works in the public sector and private sector. And using progressive discipline while balancing the rights of the employee with the needs of the city and the city department is the ideal way to go.

>> Councilmember Constant: Thank you, and thanks for applying. And all your work on the human rights commission.

>> Thank you.

>> Mayor Reed: Councilmember Chu.

>> Councilmember Chu: Thank you, mayor, again, just want to take this opportunity to thank you very much, David, for serving on the human rights commission and for your contribution on the commission. Thank you very much.

>> Mayor Reed: Any other questions? No, okay, thank you very much.

>> Thank you very much.

>> Mayor Reed: Welcome to stay, you're also welcome to go.

>> Great, thanks.

>> Mayor Reed: We have one other person I believe left on the list. I think City Clerk said is here. Not here yet. On the way, that's right, he was on the way. So we'll have a couple of minutes before our last person arrives.

>> Mayor Reed: Also, councilmembers who are in the green room, the last applicant has arrived. We'll get started shortly just as soon as people can reconvene.

>> Mayor Reed: All right, we're up to nine or ten. So let's go ahead and get started. Tony. Come on over to the podium. Tony Hoang. Let's make sure I got your last name correct and you'll fix that when you get there.

>> That's fine.

>> Mayor Reed: Okay. Welcome, thank you for coming, thanks for coming early. We're running ahead of schedule. That doesn't happen all that often around here. That's a good thing when it does happen, so thanks for being able to come down early, appreciate that. We'll give you a couple of minutes to talk about why you're interested in this position and we'll have a few questions for you, so thank you.

>> First I'd like to thank you Mr. Mayor and the council for letting me come here and introduce myself. I've been a resident of the South Bay for -- since late '70s. Moved to San José maybe in the early '90s and been here except for when I went to graduate school. So I never knew that a resident like myself would have the opportunity to serve on a commission or board that would have some kind of an impact on you know, the employees or the future of the city itself. So when I heard about it through one of the board members of a community clinic that I was serving on, I wanted to take a chance. And I looked up what was open, and this, the civil service, seemed to interest me. So it was something that I applied for, and that's why I'm here today.

>> Mayor Reed: Thank you. Thanks for being here. And I'll take the first question, which has to do with zero tolerance policies. There are times when the administration believes somebody should be terminated on a first offense, because in some cases we have a zero tolerance policy on such things like sexual harassment, where the circumstances may warrant a termination, even though it's a first offense. My question to you is whether or not you have a philosophical problem with terminating somebody, even though it's a first offense, if the circumstances warrant it?

>> If the circumstances warrant it, I feel that it is something that is needed and should be done. Especially when it is cases where it's sexual harassment or some kind of discrimination, that would look badly on the city, if not taken.

>> Mayor Reed: Councilmember Liccardo.

>> Councilmember Liccardo: Thank you, mayor. Mr. Hoang, thank you very much for your interest in participating on the commission. Could you tell us, I assume you've had some work as a chiropractor, is that right?

>> Yes, that's right.

>> Councilmember Liccardo: Okay, in that work have you had responsibility for managing employees, or any HR kinds of responsibilities, hiring, discipline, things like that?

>> Yes, I have.

>> Councilmember Liccardo: Okay. And I also notice your spouse is a registered nurse at O'Connor, another one of our applicants had a wife who was a registered nurse at O'Connor, I'm wondering if they are conspiring to get their spouses out of the house?

>> Not that I know of.

>> Councilmember Liccardo: Thank you.

>> Mayor Reed: Councilmember Constant.

>> Councilmember Constant: Thank you for your application and your willingness to serve. I have two questions for you, the first is about your philosophy, and do you -- what's your philosophy on balancing employee rights versus the need to hire and retain effective employees?

>> I believe whether you're talking about employee rights, you're talking about their rights to be employed. The employee has the rights to be employed up until the point that they do something that would violate I guess the -- what the organization stands for. And at that time, then, their rights and probably -- I mean they'll always have certain rights. But if they know ahead of time that there's something that they shouldn't do and they do it, then I mean, they forgo those rights just like a citizen out in the real world, who violates the laws. They give up certain rights.

>> Councilmember Constant: Very good, thank you. And then my next question is about the role of a civil service commissioner. In your opinion, or viewpoint, do the individual civil service commissioners represent the interests of the city council, the city administration, the individual employee, or the general public at large?

>> I think as a civil service commissioner, you're balancing all of them at the same time. Because you have to look at the interest of the city as well as weigh the rights of the employees. And at the same time, you're looking out for the best interests of the residents of the city. Because if the city has, you know, well qualified employees that are doing the right thing, then it benefits them, also.

>> Councilmember Constant: Great, thank you very much.

>> You're welcome.

>> Mayor Reed: Other questions? None. Thank you very much. Thanks for taking the time to come down and coming early.

>> Thank you very much.

>> Mayor Reed: Thank you. That concludes the interviews of the pool of applicants. We have -- still need to select another member of the board, can be a lawyer or not a lawyer. And could be a woman or not a woman, right? So we -- the whole pool is eligible for this selection I guess. That's the short answer.

>> Lee Price: That's correct Mr. Mayor. We have an attorney and a female representative so you may choose amongst the rest of your pool of candidates for this next seat.

>> Mayor Reed: So that includes the two lawyers that were in the first pool. They're also eligible for one of these other spots. Okay? You want to put up the electronic ballot? All right, so this is a vote-for-one.

>> Lee Price: Okay, all the votes are in. I will display. Where did it go?

>> Mayor Reed: That was really quick. I didn't see it.

>> Lee Price: That was really quick. You're going to have to vote again, I'm sorry. Thank you. Okay. Now, there we go.

>> Mayor Reed: All right, so we need six votes to make an appointment. Isaac Vaughn has 4. Adrienne Lilly has three. And then we have one two three people with one vote each, that's James Prunty, David parker, Shane Patrick Connolly and Joyce Cordi. So we should drop off the one-vote getters and the zero-vote vote getters. And then we'll have to choose between Isaac Vaughn and Adrienne Lilly. While you're doing that, I just want to comment on the pool of applicants. A week ago we only had three people that were interested. Whatever you did in the last week, was very good. We have a very competitive pool of applicants. And anybody who doesn't get appointed we should probably be talking to them about some of our other boards and commissions that are coming up in this poop.

>> Lee Price: Yes, Mr. Mayor, thank you I appreciate you mentioning that. We will definite touch base with other candidates. And see if they have interest in our other commissions. We are always looking for involvement.

>> Mayor Reed: And their application are good for how long?

>> Lee Price: They stay active for one year.

>> Mayor Reed: They go into the pool. Councilmember Liccardo.

>> Councilmember Liccardo: This is the best-qualified group I've seen yet so whatever you're doing please do it again, thanks.

>> Lee Price: I'd just like to say because there's kudos all the way around. We did a lot of outreach for this one. Your council offers helped, our boards and commissions are our best recruiters, so we thank everyone for helping this time with the outreach.

>> Mayor Reed: Now let's see if we can get the ballot up. All right, so we have two left. Isaac Vaughn, Adrienne Lilly. Vote for one. Did that reboot again? That's what it looked like it did. But it was so quick I couldn't see it. So you'll have to revote. Vote for one. All right, we have eight votes for Isaac Vaughn, three votes for Adrienne Lilly so that means Isaac Vaughn is appointed to the second position on the commission. We will have two lawyers on the commission. I think our work here is done.

>> Lee Price: Well, we have one more decision. Terms on the two. So Dennis can you quickly summarize the terms please?

>> Thank you, we have one term which expires November 30th, 2011. And one term that expires November 30th, 2014.

>> Mayor Reed: Eligibility for reappointment? What's our rule for this commission?

>> They would be eligible for reappointment. Because there's one year and a little bit remaining. So both appointees would be eligible for reappointment.

>> Mayor Reed: Councilmember Constant.

>> Councilmember Constant: Thank you, Mr. Mayor. I think based on the history we've had with the civil service commission, I think that we should offer the longer term to the female attorney. Because that is the category that we have the most difficult time filling. And since we have a wonderfully qualified candidate, hopefully that will want to put up with us for a while, that we should -- in fact I will make that motion that --

>> Second.

>> Mayor Reed: Okay. We have a motion to appoint Ms. Akdeniz to the term expiring 2014, is that correct, Councilmember Constant? And that would mean, then, Mr. Vaughn would go into the term expiring 2011. On the motion, Councilmember Campos.

>> Councilmember Campos: Actually, I was going to make that suggestion too, since it has been an area that we've had challenges with. So I'm supporting the motion.

>> Mayor Reed: Okay. On the motion, all in favor, opposed, none opposed. That's approved. Congratulations and thank you very much. We appreciate your interests.