Meeting Date: 3/29///

# **AGENDA REPORT**

City of Santa Clara, California





Date:

March 23, 2011

To:

**Executive Director for Stadium Authority Action** 

From:

Elizabeth H. Silver, Interim Authority Counsel

Subject:

Adoption of a Resolution Adopting a Conflict of Interest Code for the Stadium Authority

## **EXECUTIVE SUMMARY:**

On February 22, 2011, by City of Santa Clara Resolution No. 11-7825, the Santa Clara Stadium Authority was formed as a Joint Powers Authority to facilitate the Stadium Project and to fulfill the mandates of Measure J, "The Santa Clara Stadium Taxpayer Protection and Economic Progress Act".

California Government Code Sections 81000 *et seq.* ("The Political Reform Act") require the Santa Clara Stadium Authority to adopt a Conflict of Interest Code, and periodically review it and make amendments thereto if necessary. This Resolution adopts such a Conflict of Interest Code for the Authority, which is substantially similar to the City's current Conflict of Interest Code. Based on this Code, certain officers and employees are required to disclose certain types of financial interest(s), as required by State law.

# ADVANTAGES AND DISADVANTAGES OF ISSUE:

Adopting a Conflict of Interest Code for the Stadium Authority satisfies the requirements of the Political Reform Act and ensures compliance with State law regarding financial disclosures of its officers and designated employees. There are no known disadvantages at this time.

#### **ECONOMIC/FISCAL IMPACT:**

There is no increased cost to the Authority other than administrative staff time and expense.

#### RECOMMENDATION:

That the Stadium Authority adopt a Resolution adopting a Conflict of Interest Code.

Elizabeth H. Silver

Interim Authority Counsel

APPROVED:

Jennifer Sparacino Executive Director

Documents Related to this Report:

1 Resolution

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Rev. 02/26/08

## RESOLUTION NO. (SA)

# A RESOLUTION OF THE SANTA CLARA STADIUM AUTHORITY ADOPTING A CONFLICT OF INTEREST CODE

### BE IT RESOLVED BY THE SANTA CLARA STADIUM AUTHORITY AS FOLLOWS:

WHEREAS, California Government Code Sections 81000 et seq. ("The Political Reform Act") require the Santa Clara Stadium Authority ("Stadium Authority") to adopt a Conflict of Interest Code, and periodically review it and make amendments thereto if necessary;

WHEREAS, the California Fair Political Practices Commission has adopted a regulation, 2 Cal. Code of Regs. Section 18730, which contains the terms of a standard Conflict of Interest Code, which can be incorporated by reference and which may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act after public notice and hearings; WHEREAS, incorporation by reference of 2 Cal. Code Regs. Section 18730 and any future amendments to it in the Stadium Authority's Conflict of Interest Code will save the Stadium Authority time and the expenditure of public funds by minimizing the actions required of its Board to maintain conformity with the Political Reform Act; and

WHEREAS, the Stadium Authority desires to adopt a Conflict of Interest Code, which designates certain officers and employees as being required to disclose their financial interest(s) and sets forth the types of financial interests to be disclosed, as required by State law.

# NOW THEREFORE, BE IT FURTHER RESOLVED BY THE SANTA CLARA STADIUM AUTHORITY AS FOLLOWS:

1. The terms of 2 Cal. Code of Regs. Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference into the Stadium Authority's Conflict of Interest Code and its appendices, as they may be amended from time to time,

and such shall constitute and be known as the Santa Clara Stadium Authority Conflict of Interest

Code.

2. Persons holding designated positions shall file a Statement of Economic Interests (Form 700)

pursuant to the attached Conflict of Interest Code and as set forth in 2 Cal. Code of Regs. Section

18730(b)(4) and (5).

3. The Secretary of the Stadium Authority shall act as the filing officer and shall collect and

process all forms required of the designated officers and personnel to maintain compliance with the

Conflict of Interest Code and 2 Cal. Code of Regs. Section 18730.

4. Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of

this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or

invalid for any reason, such decision shall not affect the validity of the remaining portions of the

resolution. The Santa Clara Stadium Authority hereby declares that it would have passed this

resolution and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of

the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be

declared invalid.

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Rev. 03-31-10; Typed: 03-08-11

tive date. This resolution shall become effe	ctive immediately.
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TED BY THE SANTA CLARA STADIU	M AUTHORITY OF SANTA CLARA,
A, AT A REGULAR MEETING THEREOI	FHELD ON THEDAY OF,
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ATTEST:	
	ROD DIRIDON, JR.
	SECRETARY STADIUM AUTHORITY
	THE CITY OF SANTA CLARA
	ERTIFY THE FOREGOING TO BE A TRICE OF THE SANTA CLARA STADIU A, AT A REGULAR MEETING THEREOR THE FOLLOWING VOTE:  AUTHORITY BOARD MEMBERS:  AUTHORITY BOARD MEMBERS:  AUTHORITY BOARD MEMBERS:  C: AUTHORITY BOARD MEMBERS:

Attachments incorporated by reference:

1. Conflict of Interest Code with Appendices A and B

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# SANTA CLARA STADIUM AUTHORITY CONFLICT OF INTEREST CODE



#### SECTION 1: CONFLICT OF INTEREST CODE - ADOPTED

The Political Reform Act, Government Code Sections 81000 et seq., requires state and local government agencies to adopt and promulgate Conflict of Interest Codes. The Fair Political Practices Commission has adopted a regulation, 2 Cal. Code of Regs. Section 18730, which contains the terms of a standard Conflict of Interest Code, which can be incorporated by reference and which may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act after public notice and hearings. Therefore, the terms of 2 Cal. Code of Regs. Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and, along with the attached Appendix A in which officials and employees are designated and Appendix B in which disclosure categories are set forth, constitute the Santa Clara Stadium Authority Conflict of Interest Code, which is considered the agency within the purview of this code.

#### **SECTION 2: CONFLICT OF INTEREST CODE - STATEMENTS**

Designated public officials and employees shall file statements of economic interests with the Stadium Authority Secretary, who shall be and perform the duties of filing officer for the Santa Clara Stadium Authority.

# **SECTION 3: SAVINGS CLAUSE**

Any change provided for in this conflict of interest code shall not affect or excuse any offense or act committed or done or omission or any penalty or forfeiture incurred or accruing under any other conflict of interest code; nor shall it affect any prosecution, suit, or proceeding pending or any judgment rendered in connection with any other conflict of interest code.

Appendix A: Attached Appendix B: Attached

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# APPENDIX A

# SANTA CLARA STADIUM AUTHORITY LIST OF DESIGNATED OFFICIALS AND EMPLOYEES SUBJECT TO THIS CONFLICT OF INTEREST CODE

JOB TITLE	DISCLOSURE CATEGORY
Authority Board Chairperson	1
Authority Board Members	1
Executive Director	1
Authority Counsel	1
Secretary	1
Treasurer/Financial Auditor	1

# APPENDIX B

# MASTER LIST OF DISCLOSURE CATEGORIES SPECIFICATION SHEET REPORTABLE INVESTMENTS, INTERESTS IN REAL PROPERTY AND INCOME

# Disclosure Category

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1.	All investments and business positions in business entities, sources of income and
	interests in real property.
2.	Investments and business positions in business entities, and all sources of income.
3.	Interests in real property.
4.	Investments and business positions in business entities, and sources of income from
	entities providing supplies, services, equipment or machinery of the type used by the
	designated employee's unit.
5.	Investments and business positions in, and income from entities which are book
	outlets, vendors or providers of business services.
6.	Investments and business positions in business entities and income from sources
	engaged in construction, building, or material supply.
7.	Investments and business positions in business entities and income from sources
	which supply or manufacture solar energy systems.
8.	Investments and business positions in business entities and income from sources
	engaged in construction or development.
9.	Investments and business positions in, and income from sources engaged in the
	construction of public works projects.
10.	Investments and business positions in business entities and income from construction
	companies involved in progress payments.
11.	Investments and business positions in, and income from construction firms involved
	in construction projects subject to acceptance by the Authority.
12.	Investments and business positions in business entities and income from business
	entities of the type to provide bids, supplies, vehicles and equipment.
13.	Investments and business positions in, and income from entities which provide
	training, services or facilities of the type utilized by the Authority.
14.	Investments and business positions in business entities and sources of income which
	provide services and supplies of the type used in emergency services coordination
	and training activities.
15.	Investments and business positions in, and income from, Union Pension Funds that
	may be affected by the outcome of negotiations involving monetary settlements and
	employer-employee memorandum.
16.	Investments and business positions in, and income from entities providing medical
	services or facilities of the type used by the Authority.

17.	Investments and business positions in, and income from business entities engaged in providing eye examinations and eye glasses, including but not limited to opticians, ophthalmologists, etc.
18.	Investments and business positions in and income from business entities supplying or manufacturing electronic equipment, supplies or services of the type utilized by the employee's unit.
19.	Investments and business positions in, and income from business entities providing supplies, services, equipment or machinery of the type used by the Authority.
20.	Investments and business positions in, and income from employment agencies or entities which provide employment or pre-employment services. Services include, but are not limited to, testing, training, consulting, job classification studies and salary surveys.
21.	Investments and business positions in, and income from, business entities which are of the type to provide any of the various types of employee insurance coverage and/or actuarial services.
22.	Investments and business positions in business entities, and income from sources which supply or manufacture firefighting equipment or supplies.