Meeting Date: 6/28/11

AGENDA REPORT

City of Santa Clara, California

Agenda Item # 2B BNPEA

Santa Clara All-America City 2001

Date: June 16, 2011

To: Executive Director for Bayshore North Project Enhancement Authority Action

From: Elizabeth H. Silver, Interim Authority Counsel

Subject: Adoption of a Resolution Setting the Place and Time for Regular Bayshore North Project Enhancement Authority Meetings and Establishing Rules of Procedure for the Bayshore North Project Enhancement Authority

EXECUTIVE SUMMARY:

On May 24, 2011, the City adopted Ordinance No. 1887, adding Chapter 17.25 to the Santa Clara City Code and forming the Bayshore North Project Enhancement Authority("BNPEA"). On June 28, 2011, the City of Santa Clara made findings and determined that there is a need for the BNPEA to function in the City of Santa Clara, pursuant to Santa Clara City Code Section 17.25.140.

The BNPEA should designate rules of procedure for its meetings and establish the regular BNPEA meeting place and time. The attached resolution establishes that the BNPEA shall follow the Santa Clara City Council Rules of Procedure, as amended from time to time. The resolution also establishes the regular meetings of the BNPEA shall be held on the first regular Council meeting of the calendar year and sets the Council Chambers as the meeting location.

Further, this Resolution directs the Secretary of the BNPEA to complete and file with the Secretary of State a form for listing the BNPEA on the State Roster of Public Agencies, pursuant to California Government Code section 53051.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

Adoption of the attached Resolution will establish procedural rules for the conduct of meetings and comply with State law requirements. There are no known disadvantages at this time.

ECONOMIC/FISCAL IMPACT:

There will be some staff costs associated with BNPEA administration. The City will be reimbursed for these costs pursuant to an agreement between the City and the BNPEA.

RECOMMENDATION:

That the Board of the Bayshore North Project Enhancement Authority adopt a resolution setting the place and time for regular meetings and establishing rules of procedure.

Elizabeth H. Silver
Interim Authority Counsel

APPROVED:

Jennifer Sparacino
Executive Director

Documents Related to this Report:

1) Resolution Setting the Place and Time for Regular Bayshore North Project Enhancement Authority Meetings and Establishing Rules of Procedure

I:\AGENDA\AGENDA REPORTS\BNPEA Setting Meetings and Rules 06-08-11.doc

RESOLUTION NO. _____(BNPEA)

A RESOLUTION OF THE BAYSHORE NORTH PROJECT ENHANCEMENT AUTHORITY OF THE CITY OF SANTA CLARA, CALIFORNIA, SETTING THE PLACE AND TIME FOR REGULAR MEETINGS AND ESTABLISHING RULES OF PROCEDURE

BE IT RESOLVED BY THE BAYSHORE NORTH PROJECT ENHANCEMENT AUTHORITY OF THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, on May 24, 2011, by City of Santa Clara Ordinance No. 1887, the City of Santa Clara adopted an ordinance adding Chapter 17.25 (entitled "Bayshore North Project Enhancement Authority") to Title 17 (entitled "Development") to "The Code of the City of Santa Clara, California" (SCCC) to authorize the Council, when it determines it appropriate, to establish a new public entity to be called the Bayshore North Project Enhancement Authority ("BNPEA");

WHEREAS, on June 28, 2011, the City of Santa Clara made findings and determined that there is a need for the Bayshore North Project Enhancement Authority to function in the City of Santa Clara and established the BNPEA, pursuant to SCCC 17.25.140;

WHEREAS, the BNPEA may provide, by resolution, the time and place of holding its regular meetings, pursuant to SCCC 17.25.170, and may designate rules of procedure;

WHEREAS, California Government Code section 53051 requires that within seventy (70) days after the date of its legal existence, the governing body of each public agency shall file with the Secretary of State a statement of certain facts on a form, to be included in the "Roster of Public Agencies."

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE BAYSHORE NORTH PROJECT ENHANCEMENT AUTHORITY OF THE CITY OF SANTA CLARA AS FOLLOWS:

1. That all meetings of the BNPEA shall be held at the City Council Chambers, City Hall, 1500 Warburton Avenue, Santa Clara, California, unless the BNPEA adjourns to or fixes another place of meeting in a public notice.

2. That the regular meetings of the BNPEA shall be held on the first regularly scheduled City of Santa Clara City Council meeting of the calendar year. The meetings will be held at 7:00 p.m., or as soon thereafter as the meeting may be convened.

3. That the BNPEA shall follow the Santa Clara City Council Rules of Procedure, as amended from time to time, and that four (4) BNPEA officers shall constitute a quorum of the BNPEA for the purpose of conducting its business and exercising its powers, pursuant to California Health and Safety Code section 34276.

4. That the Secretary of the BNPEA is hereby directed to complete and file with the Secretary of State a form for listing the BNPEA on the State Roster of Public Agencies, pursuant to California Government Code section 53051.

5. 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 BNPEA 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.

6. Effective date. This resolution shall become effective immediately.

AYES: AUTHORITY BOARD MEMBER:

NOES: AUTHORITY BOARD MEMBER:

ABSENT: AUTHORITY BOARD MEMBER:

ABSTAINED: AUTHORITY BOARD MEMBER:

ATTEST: _____

ROD DIRIDON, JR.
SECRETARY
BAYSHORE NORTH PROJECT ENHANCEMENT AUTHORITY

I:\RESOLUTIONS\BNPEA Resolution Setting Meeting Time and Place 5-25-11.doc