

RESOLUTION NO. _____ (STADIUM AUTHORITY)

**A RESOLUTION OF THE SANTA CLARA STADIUM AUTHORITY
AGREEING TO CONFIDENTIALITY REQUIREMENTS AND
DELEGATING AUTHORITY TO THE EXECUTIVE DIRECTOR AND
THE STADIUM AUTHORITY COUNSEL TO SIGN NEW
MANDATORY MEDIATION DISCLOSURE STATEMENT IN
ACCORDANCE WITH SB 954**

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

WHEREAS, pursuant to SB 954, which went into effect on January 1, 2019, an attorney must provide to his or her client a printed disclosure containing the confidentiality restrictions related to mediation, and the client must sign a printed acknowledgment stating that the client has read and understands the confidentiality restrictions, prior to a mediation occurring;

WHEREAS, due to Brown Act requirements, the Stadium Authority Board does not and cannot attend mediations, rather Stadium Authority Counsel's staff attends mediation and reports back to the Board in closed session the amount of the settlement demand;

WHEREAS, due to the processes utilized by the Stadium Authority to litigate and resolve its claims, and the existing restrictions resulting from State law, it would be most effective and efficient to delegate authority to sign the new mandatory mediation confidentiality disclosures to Stadium Authority Counsel and Executive Director; and

WHEREAS, the Stadium Authority Board understands and recognizes the importance of fostering candid discussions of sensitive information during the mediation process, in furtherance of the parties' good faith efforts to resolve the dispute, and agrees to maintain the confidentiality of such information provided to the Board by staff following mediation.

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

1. That the Stadium Authority Board has read and understood the required Mediation Disclosure Notification and Acknowledgement form, attached as Exhibit A. The Stadium Authority Board acknowledges and agrees to abide by state law and keep confidential

information received through the mediation process, including that information provided to the Board by staff following mediation. The Stadium Authority Board understands and agrees that the information received through the mediation process cannot be used in later legal processes including in a malpractice claim brought by the Authority against its counsel of record.

2. That the Stadium Authority Board hereby grants to the Executive Director, or her/his designee, the authority to execute a Mediation Disclosure Notification and Acknowledgement form, attached as Exhibit A, on behalf of the Stadium Authority as the "Client" as required by SB 954 in those cases in which the Stadium Authority Counsel is acting as counsel of record for the Authority.

3. That the Stadium Authority Board hereby grants to the Stadium Authority Counsel, or her/his designee, the authority to execute a Mediation Disclosure Notification and Acknowledgement form, attached as Exhibit A, on behalf of the Stadium Authority as the "Client" as required by SB 954 in those cases in which the Authority has retained outside counsel to act as counsel of record for the Authority.

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

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE SANTA CLARA STADIUM AUTHORITY, AT A REGULAR MEETING THEREOF HELD ON THE ___ DAY OF _____, 2019, BY THE FOLLOWING VOTE:

AYES: BOARD MEMBERS:

NOES: BOARD MEMBERS:

ABSENT: BOARD MEMBERS:

ABSTAINED: BOARD MEMBERS:

ATTEST:

HOSAM HAGGAG
SECRETARY OF THE STADIUM AUTHORITY
SANTA CLARA STADIUM AUTHORITY

Attachments incorporated by reference:

1. Mediation Disclosure Notification and Acknowledgement Form