

RESOLUTION NO. 23-9266

**A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA,
ADOPTING A SANTA CLARA CONVENTION CENTER AND
LEVI'S STADIUM POLICY FOR OPERATIONAL TOURS FOR
DESIGNATED CITY/STADIUM AUTHORITY OFFICIALS**

WHEREAS, the City of Santa Clara (City) owns the Santa Clara Convention Center and the Santa Clara Stadium Authority (Stadium Authority) owns Levi's Stadium;

WHEREAS, both facilities are operated under contracts with third party management companies;

WHEREAS, the City Council and Stadium Authority Board will benefit from receiving operational tours of these facilities to be fully informed decision makers with respect to these publicly owned assets; and,

WHEREAS, establishing a Santa Clara Convention Center and Levi's Stadium Policy for Operational Tours for Designated City/Stadium Authority Officials will provide clear guidelines for how such operational tours will be conducted to give City Councilmembers and Stadium Authority Board Members access to the information they need, but to do so in a manner that is fully compliant with the requirements of the Ralph M. Brown Act, and state and local ethic laws.

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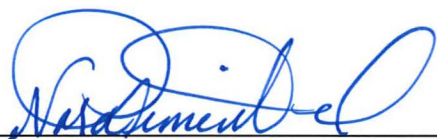
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NOW THEREFORE, BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

1. That the Santa Clara Convention Center and Levi's Stadium Policy for Operational Tours for Designated City/Stadium Authority Officials, attached hereto as Attachment 1, is hereby approved and adopted and the City Manager is directed to number (and renumber, as appropriate) the Council Policy Manual such that they are organized in a logical fashion.
2. Effective date. This resolution shall become effective immediately. All Resolutions (or parts of Resolutions) in conflict with or inconsistent with this Resolution are hereby repealed.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 12TH DAY OF SEPTEMBER, 2023, BY THE FOLLOWING VOTE:

AYES:	COUNCILORS:	Becker, Chahal, Hardy, and Jain
NOES:	COUNCILORS:	Park, Watanabe, and Mayor Gillmor
ABSENT:	COUNCILORS:	None
ABSTAINED:	COUNCILORS:	None

ATTEST: 
NORA PIMENTEL, MMC
ASSISTANT CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference:

1. Santa Clara Convention Center and Levi's Stadium Policy for Operational Tours for Designated City/Stadium Authority Officials



SANTA CLARA CONVENTION CENTER AND LEVI'S STADIUM POLICY FOR OPERATIONAL TOURS FOR DESIGNATED CITY/STADIUM AUTHORITY OFFICIALS

PURPOSE

The City of Santa Clara (City) owns the Santa Clara Convention Center and the Santa Clara Stadium Authority (Stadium Authority) owns Levi's Stadium. Both facilities are operated under contracts with third party management companies. In order to be fully informed decision makers with respect to these publicly owned assets, the City Council has determined that the City Council (also in their capacity as Stadium Authority Board Members)¹ will benefit from receiving operational tours of these facilities, from time to time, including during live events.

The purpose of this policy is to establish clear guidelines for how such operational tours will be conducted, to give City Councilmembers and Stadium Authority Board Members access to the information they need, but to do so in a manner that is fully compliant with the requirements of the Ralph M. Brown Act (Brown Act), and state and local ethics laws.²

POLICY

City/Stadium Authority Officials Covered. This policy shall apply only to City officials that are elected to the City Council and concurrently serve as members of the Stadium Authority Board. No other City/Stadium Authority officials or employees shall have access to operational tours of these facilities without approval from the City Manager/Executive Director or their designee.

Informational Purposes. An operational tour of the Convention Center or Stadium facility may be provided by City/Stadium Authority employees and/or the contracted operator of the Convention Center or Stadium, respectively. Every operational tour will be designed to provide touring City/Stadium Authority officials an opportunity to observe the various operations occurring at or around the facility premises before, during and after an event. Emphasis shall be on providing information that will be useful to the City/Stadium Authority officials in their decision-making capacity.

¹ The Stadium Authority is separate and distinct legal entity from the City; however, the seven elected members of the City Council also serve as the governing board for the Stadium Authority.

² Note: This policy is not intended to serve as a City/Stadium Authority tickets policy for events at the Convention Center or Stadium Authority. Requirements for issuance or receipt of tickets for these facilities shall be governed by state law and, if and when adopted, a separate set of local rules.

Special Rules for Operational Tours During Live Ticketed Events.

Operational tours conducted during live ticketed events shall be subject to the following additional requirements:

1. Tours of areas with seating reserved for ticket holders with or without special access privileges (e.g., exclusive lounges, suites/private boxes, etc.) may occur but should be limited to no more than 30 minutes in any one such area, and no more than one (1) hour total for all such areas for the duration of any tour.
2. Any food or beverage provided and consumed by touring City/Stadium Authority officials that is routinely provided to City staff working at Non-NFL events and funded by the City/Stadium Authority shall not be subject to applicable City gift limits and disclosure requirements. Any food or beverage provided to and consumed by touring City/Stadium Authority officials at NFL events is not allowable under this policy and such consumption shall be subject to applicable City and State gift limits and disclosure requirements imposed.³
3. No City/Stadium Authority official shall attend more than two (2) operational tours at the Convention Center and two (2) operational tours at Levi's Stadium, in each case held during a live ticketed event, within any consecutive twelve (12) month time period.

City/Stadium Authority officials that have purchased or otherwise obtained tickets to an event in a manner consistent with state and local laws may also request an operational tour at such event from the City Manager/Executive Director or their designee. In that case, all of the rules set forth in this policy shall apply, except that such tour shall not be counted towards the limit on the number of allowed operational tours per 12-month period set forth in Rule Number 3, above, and the official may enjoy the benefits associated with their purchased ticket before or after the operational tour.

No Guests. No guests of any City/Stadium Authority official shall be allowed to participate in any operational tour.

No Gifts. Other than access badges (including access to parking) and printed facility-related informational materials, no other materials, merchandise or gifts shall be offered or accepted during an operational tour.

³ Ref. Council Policy 050 and State rules pertaining to gifts under the Political Reform Act including, but not limited to, the annual gift limitation set forth in Government Code Section 89503 and California Regulation 18940.2.

Reporting. City/Stadium Authority officials attending an operational tour that is subject to the City's public calendar ordinance (Santa Clara City Code Chapter 2.160 - Calendars of Certain City Officials) shall include the operational tour as a listed and disclosed meeting.

Brown Act Compliance. In order to avoid the creation of a "meeting" for Brown Act purposes, no more than three City/Stadium Authority officials may participate in the same operational tour.

Exemptions. This policy is not intended to prohibit City/Stadium Authority officials from purchasing a ticket to attend an event, receiving a ticket to attend an event from a third party subject to all applicable state and local laws (including gift limitations), or attending an event that is open and/or generally accessible to the public.

Additionally, City/Stadium Authority officials' attendance at ceremonial presentations at the Convention Center or Levi's Stadium shall be exempt from this policy. The City Manager/Executive Director or designee shall determine what constitutes a ceremonial presentation for purposes of this policy and, if necessary, will develop implementing rules.

This policy is also not intended to apply to City/Stadium Authority employees. City/Stadium Authority employees at the Convention Center or Stadium that are attending a live ticketed event as part of their scope of employment, or that are otherwise hired by the City/Stadium Authority or a facility manager to provide operational support services at an event, are not subject to the terms of this policy. Standard state and local rules regarding gift limits and disclosure requirements would continue to apply to all City employees at an event.

PROCEDURES

1. The City Manager/Executive Director or their designee will be the point of contact for City/Stadium Authority officials to request an operational tour of the Convention Center or Levi's Stadium.
2. The request should include the following:
 - a. Preferred date(s) and time(s), if any.
 - b. Operations that the City/Stadium Authority official would like to observe during the tour.
 - c. Names of other City/Stadium Authority officials that may participate in the operational tour, if applicable. No more than three City/Stadium Authority officials may participate in the same operational tour.

3. Requests should be submitted to the City Manager/Executive Director or designee at least fifteen (15) business days in advance of the requested tour date to provide sufficient time to coordinate the tour.
4. The City Manager/Executive Director's Office will review the request and coordinate with the appropriate City/Stadium Authority employees and/or respective facility operator to schedule the operational tour and determine who will facilitate the tour (City/Stadium Authority employee(s), facility operator, or both).
5. Alternative dates and times may be offered to the City/Stadium Authority official if the preferred date(s) and/or time(s) are not feasible due to business reasons.
6. Once the operational tour has been scheduled, staff or the respective facility operator will send a confirmation email to the City/Stadium Authority official with the date and time of the operational tour, instructions on where to meet for the tour, and an agenda outlining the information that will be covered during the tour.
7. Any access badges, brochures, and other informational materials received during the operational tour will be considered transitory documents not subject to the City's Retention Policy or considered a public record. For security purposes, access badges should be returned to the tour organizer upon exiting the event, or as soon as practicable thereafter.
8. If any non-City/Stadium Authority officials/employees participated in the operational tour, after the conclusion of the tour, City/Stadium Authority officials should include on their public calendars, in accordance with Santa Clara City Code Chapter 2.160, the name(s), title(s), and affiliated organization(s) of all participants in the tour and general statement of the issues discussed during the tour.