



## Agenda Report

22-672

Agenda Date: 7/12/2022

### REPORT TO STADIUM AUTHORITY BOARD

#### **SUBJECT**

Action on Stadium Authority Bills and Claims for the Month of April 2022

#### **BOARD PILLARS**

Enhance Community Engagement and Transparency  
Ensure Compliance with Measure J and Manage Levi's Stadium

#### **BACKGROUND**

Disbursements made by the Stadium Authority are based on invoices submitted for payment. Prior to payment, staff reviews all disbursement documents to ensure that they are in compliance with the goods or services provided.

The Bills and Claims listing represents the cash disbursements required of normal and usual operations during the period. Budget control is set by the Stadium Authority Board through the budget adoption process.

#### **DISCUSSION**

On April 30, 2019 the Stadium Authority Board directed staff to stop payment of any Stadium Authority invoices for services unless there is substantial documentation of services rendered, which must also be in compliance with State law and City Code. Since April 30, 2019, staff received direction to pay Stadium Authority invoices related to SBL sales and services, insurance, and utilities.

In addition, at the March 23, 2021 Stadium Authority Board meeting, the Board approved staff recommendations to direct the Forty Niners Stadium Management Company, LLC (Stadium Manager) to provide a procurement plan/schedule that demonstrates the ability to manage the Stadium with the proper standard of care and that addresses the highest priority projects while balancing the potential need for City resources. Subsequent to that direction, the Stadium Manager has submitted requests to the Board for approval; to be awarded purchase order(s) related to capital projects.

At the March 15, 2022 Stadium Authority Board meeting, the Executive Director was delegated authority to approve budget amendments that move funds from the Legal Contingency to Shared Expenses after the review of adequate documentations for costs based on Board direction. Subsequent to that direction, Stadium Authority staff met with Stadium Manager on April 12, 2022 to review documentation for shared expenses. After follow-up meetings with the Stadium Manager, payments related to compensation that were reviewed and approved for monthly payment, totaling \$5.1 million for the fiscal year.

Expenses paid in April 2022 include:

- Payments totaling \$123,370.17 to the City of Santa Clara for reimbursement of General and Administrative (G&A) City payroll costs (e.g.: Executive Director's Office (City Manager's Office), Counsel's Office (City Attorney's Office), and Treasurer's Office (Finance Department))
- Payments totaling \$1,535,973.41 to Forty Niners Stadium Management Co, LLC for the following:
  - \$8,000.00 for April 2022 Stadium Manager Expenses - Compensation for Grounds
  - \$31,000.00 for April 2022 Stadium Manager Expenses - Compensation for Guest Services
  - \$32,000.00 for April 2022 Stadium Manager Expenses - Compensation for Security
  - \$143,000.00 for April 2022 Stadium Manager Expenses - Compensation for Engineering
  - \$208,000.00 for April 2022 Stadium Manager Expenses - Compensation for Stadium Ops
  - \$6,000.00 for April 2022 Stadium Manager Expenses - StadCo Tenant Improvements
  - \$52,000.00 for April 2022 Stadium Manager Expenses - Other G&A
  - \$7,318.00 for May 2022 Stadium Manager Expenses - Compensation for Grounds
  - \$31,602.00 for May 2022 Stadium Manager Expenses - Compensation for Guest Services
  - \$32,995.00 for May 2022 Stadium Manager Expenses - Compensation for Security
  - \$143,963.00 for May 2022 Stadium Manager Expenses - Compensation for Engineering
  - \$208,105.00 for May 2022 Stadium Manager Expenses - Compensation for Stadium Ops
  - \$240,248.00 for May 2022 Stadium Manager Expenses - Utilities
  - \$70,440.00 for May 2022 Stadium Manager Expenses - Insurance
  - \$174,154.00 for May 2022 Stadium Manager Expenses - SBL Sales & Services
  - \$376.90 for May 2022 Stadium Manager Expenses - StadCo Tenant Improvements
  - \$8,666.00 for May 2022 Stadium Manager Expenses - Lender Fees
  - \$51,773.00 for May 2022 Stadium Manager Expenses - Other G&A
  - \$445.00 for May 2022 Stadium Manager Expenses - Naming Rights Expense
  - \$71,273.75 for CapEx Reimbursement for CapEx Project - Stadium and Special Event Spaces
  - \$14,613.76 for CapEx Reimbursement for CapEx Project - Tunnel Slip and Fall Protection
- Payment totaling \$20,476,456.00 to Stadium Funding Trust for Term A Loan Principal & Interest payment
- Payment totaling \$75.00 to Contractor Compliance and Monitoring, Inc. for March 2022 Labor Compliance Services
- Payments totaling \$220.00 for October 2021 Legal Services
- Payments totaling \$687.50 for December 2021 Legal Services
- Payments totaling \$1,485.00 for January 2022 Legal Services
- Payments totaling \$660.00 for February 2022 Legal Services

Certain information such as names of law firms have been redacted from the Bills and Claims report. The Supreme Court of California in *Los Angeles County Board of Supervisors v. Superior Court*,

(2016) 2 Cal.5th 282, held that invoices specifying the amounts billed by a law firm to a client fall within the scope of attorney-client privilege while the matters are active. In accordance with the Supreme Court's ruling, information that would compromise legal strategy, and would otherwise be privileged, is redacted consistent with the Public Records Act.

**ENVIRONMENTAL REVIEW**

The action being considered does not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(b)(4) in that it is a fiscal activity that does not involve any commitment to any specific project which may result in a potential significant impact on the environment.

**FISCAL IMPACT**

There is a \$22,140,333.22 fiscal impact to the Stadium Authority.

**COORDINATION**

This report has been coordinated with the Stadium Authority Counsel's Office.

**PUBLIC CONTACT**

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any report to council may be requested by contacting the City Clerk's Office at (408) 615-2220, email [clerk@santaclaraca.gov](mailto:clerk@santaclaraca.gov) or at the public information desk at any City of Santa Clara public library.

**RECOMMENDATION**

Approve the list of Stadium Authority Bills and Claims for April 2022.

Reviewed by: Kenn Lee, Treasurer

Approved by: Rajeev Batra, Executive Director

**ATTACHMENTS**

1. April 2022 SCSA Bills and Claims