



February 8, 2019

Dear Santa Clara Community,

The purpose of this communication is to clarify several issues that were mischaracterized in an [opinion piece](#) written by Miles Barber in the Santa Clara Weekly on January 31, 2019. The City of Santa Clara respects everyone's opinion, but this opinion piece is not based on facts.

Measure N

The column states the Council proposed Measure N to protect the City from having to split the City into districts. This is not factual. It is the City's position that Santa Clarans deserve to be a part of a public process on how they vote! This past summer, a court ordered that the City be divided into six City Council districts in which councilmembers are elected only by the voters who live in their district. Previously, all city councilmembers were elected citywide. In the November election, voters in Districts 2 and 3 elected their councilmembers.

Last November, Santa Clara voters also approved Measure N, which confirmed that Santa Clarans want to be engaged in a public process to draft a City Charter amendment to elect its councilmembers by district while still electing the mayor citywide. As the CVRA lawsuit makes its way through the courts, Measure N allows the City to adopt district elections through its charter, **reflecting the will of the people**. In the coming months, there will be an opportunity for the public to give input on the charter amendment in accord with Measure N—which is fundamental to good government.

Santa Clara Convention Center

The column states that since the City took over the management of the Santa Clara Convention Center (SCCC) in July 2018 and, during this time, the SCCC has lost nearly \$300,000 in bookings. **The City did not take over the management of the Santa Clara Convention Center in July 2018, as the opinion piece states.** The Chamber is, and was, still managing the Convention Center during the reported losses and it was given a 180-day termination notice in Sept. 2018 due to its mismanagement. On Feb. 5, the City Council awarded a new contract to operate the SCCC to a national industry leader who offered far more favorable terms for the City than the previous management agreement with the Chamber. The Chamber is assisting during the transition to the new operator, Spectra, which is scheduled to transfer over on March 18, 2019.

'Curfew' impact on non-NFL events

The column states the Council voted to enforce the noise policy affecting two weeknights a year, costing the City \$1.6 million a year. The San Francisco 49ers have also said that the time restrictions affect their ability to book concerts. The San Francisco 49ers **knew that**

these restrictions would be part of their operations back in 2010 when their Development Permit was approved subject to conditions which include the 10 p.m. weekday and 11 p.m. weekend time restrictions. In fact, since 2014 to present, the Transportation Management and Operations Plan for Levi's® Stadium shows that they have only anticipated 1 concert per year. To date, the Stadium Authority has not been presented with any proof from the 49ers that show concert promoters have declined to book dates due to the 'curfew'—although we have requested proof. It should concern us that, five years into stadium operations, the 49ers want to reject conditions of use that have been in place since prior to the stadium opening.

Investigation of Santa Clara Chamber Political Action Committee (SCCPAC)

The column states annual reports from the Santa Clara Chamber Political Action Committee were on the City and County's website the whole time, and that the City sent out letters to Santa Clara businesses and the press by the City Manager's Office pointing out that the SCCPAC could face fines of \$43,000 or more.

On Nov. 13, 2018, the Fair Political Practices Commission informed the City that its Enforcement Division will investigate the allegation concerning late campaign disclosure form filings from 2010 through 2018 by the SCCPAC. The SCCPAC is now facing the potential of minimum fines of \$43,250 for not filing all FPPC campaign disclosure forms with the City of Santa Clara's City Clerk's Office.

The long-time pattern of SCCPAC's failure to file as a City General Purpose Committee has existed since 2010. This practice incorrectly continued for years, with contributions to city elections for amounts higher than the 70% threshold, which is the legal trigger to form a committee with the City of Santa Clara. The City's audit findings confirmed there was no amended Form 410 filing from the SCCPAC for the years reviewed, 2010 through 2018.

The City did not send out letters regarding the potential fines related to this matter to the community. It is the SCCPAC's responsibility to file disclosure forms properly and, on Jan. 28, 2019, the SCCPAC finally filed properly as a City General Purpose Committee with the City of Santa Clara, confirming that the City's audit findings were correct and that the SCCPAC was wrong to file with the County instead of the City.

Community Grant Program

This is the second community letter issued by the City this year to correct misstatements in articles and columns published by a community newspaper. This [first letter](#) was related to the Community Grant Program.

It is our hope that by being transparent and providing additional background on these current topics, the public has a more complete picture of matters happening in Santa Clara.

For questions about these topics, contact the City Manager's Office at 408-615-2210 or manager@santaclaraca.gov.