

FOURTH AMENDMENT TO
JOINT EXERCISE OF POWERS AGREEMENT
ESTABLISHING THE
SANTA CLARA STADIUM AUTHORITY

by and between

THE CITY OF SANTA CLARA

AND

SUCCESSOR AGENCY TO THE FORMER REDEVELOPMENT AGENCY OF THE
CITY OF SANTA CLARA

AND

BAYSHORE NORTH PROJECT ENHANCEMENT AUTHORITY

**FOURTH AMENDMENT TO THE
JOINT EXERCISE OF POWERS AGREEMENT
FOR THE
SANTA CLARA STADIUM AUTHORITY**

PREAMBLE

This agreement ("Amendment No. 4") is entered into between the City of Santa Clara, California, a chartered California municipal corporation (City), the Bayshore North Project Enhancement Authority, a public authority ("BNPEA"), and the Successor Agency to the Redevelopment Agency of the City of Santa Clara, a separate public entity (the "Successor Agency"), as the successor in interest to the dissolved Redevelopment Agency of the City of Santa Clara (the "Former RDA") and with reference to the following:

RECITALS

- A. On February 15, 2011, the City and the Agency entered into the Joint Exercise of Powers Agreement for the Santa Clara Stadium Authority ("Original Agreement") and created the Santa Clara Stadium Authority (the "Stadium Authority") as a means of accomplishing the cooperation and coordination among them necessary to provide for development and operation of the Stadium.
- B. Through the execution of the First Amendment to the Joint Exercise of Powers Agreement for the Santa Clara Stadium Authority (the "First Amendment") the City and the Agency amended the Original Agreement to add the Bayshore North Project Enhancement Authority as a member of the Stadium Authority.
- C. Through the execution of the Second Amendment to the Joint Exercise of Powers Agreement for the Santa Clara Stadium Authority (the "Second Amendment") the dissolution of the Former RDA was reflected and the implementation of the Stadium Authority procurement policies and procedures were clarified.
- D. Through the execution of the Third Amendment to the Joint Exercise of Powers Agreement for the Santa Clara Stadium Authority (the "Third Amendment") the description of the Treasurer and Financial Auditor was amended. The Original Agreement, First Amendment, Second Amendment and Third Amendment are collectively hereinafter referred to as the Joint Exercise of Powers Agreement ("Agreement").
- E. On July 17, 2018, the City Council adopted Ordinance 1983, which outlines the duties of the Assistant City Clerk to include recording and maintaining a full and true record of all proceedings of the City Council. This would also include recording and maintaining a full and true record of all proceedings of the Santa Clara Stadium Authority.

- F. The Parties desire to further amend the Joint Exercise of Powers Agreement to designate the Assistant City Clerk as the Secretary of the Stadium Authority.

The Parties agree as follows:

AGREEMENT TERMS AND CONDITIONS

1. AMENDMENT TERMS AND CONDITIONS

That subsection (b) of Section 3.2 ("Governing Body of the Stadium Authority") of Article 3 ("Organization") of the Original Agreement is hereby amended to read as follows:

Section 3.2 Governing Body of the Stadium Authority

(b) The Mayor of the City shall serve as the Chair of the Board of the Stadium Authority and the Assistant City Clerk shall serve as the Secretary of the Stadium Authority. The Board may appoint a vice-chair.

2. TERMS

All other terms of the Original Agreement which are not in conflict with the provisions of this Fourth Amendment shall remain unchanged in full force and effect. In case of a conflict in the terms of the Original Agreement and this Fourth Amendment, the provisions of this Fourth Amendment shall control.

3. COUNTERPARTS

This Agreement may be executed in counterparts, each of which shall be deemed to be an original, but both of which shall constitute one and the same instrument.

The Parties acknowledge and accept the terms and conditions of this Amendment No. 4 as evidenced by the following signatures of their duly authorized representatives.

CITY OF SANTA CLARA, CALIFORNIA
a chartered California municipal corporation

APPROVED AS TO FORM:

Approved as to Form:

Dated: 8-27-19



BRIAN DOYLE
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"CITY"

APPROVED AS TO FORM:

SUCCESSOR AGENCY TO THE
FORMER REDEVELOPMENT AGENCY
OF THE CITY OF SANTA CLARA



BRIAN DOYLE
Successor Agency Counsel




DEANNA J. SANTANA
Executive Director

APPROVED AS TO FORM:

BAYSHORE NORTH PROJECT
ENHANCEMENT AUTHORITY



BRIAN DOYLE
Authority Counsel



DEANNA J. SANTANA
Executive Director