

**GOVERNING BOARD
SAN JOSE - SANTA CLARA
CLEAN WATER FINANCING AUTHORITY**

David Cohen, Chair (San José)
Kevin Park, Vice-Chair (Santa Clara)
Rosemary Kamei (San José)

Kathy Watanabe, Board Member (Santa Clara),
Sergio Jimenez, Board Member (San José),

**ANNUAL MEETING AGENDA
October 10, 2024, at 3:30 p.m.
(Regular meeting continued from September 12, 2024)**

San José City Hall
200 E. Santa Clara Street, Room 1352
San José, CA 95113

AGENDA

1. Roll Call

2. Approval of Minutes

A. From September 14, 2023 Meeting

3. Election of Chair and Vice-Chair

4. Resolution on Conflicts of Interest Code: Consideration and Adoption of Resolution on Authority's Conflict of Interest Code, as Amended (Resolution 24-01).

5. Other Items

A. Information – Finance Director Update

B. Meeting Schedule –

FY 2025-26 Next Annual meeting is scheduled for September 11, 2025, at 3:30 p.m.

Location: San José City Hall

200 E. Santa Clara Street, Room 1352

San José, CA 95113

6. Public Comment/Oral Petitions

7. Adjournment

The Code of Conduct

(<https://www.sanjoseca.gov/home/showpublisheddocument/12901/636670004966630000>) is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view. The Authority is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent services, in a positive and timely manner, and in the full view of the public. The Authority Code of Ethics may be viewed online.

American Disability Act: To request an alternative format agenda under the Americans with Disabilities Act for City sponsored meetings, events or printer materials, please call (408) 535-1260 as soon as possible, but at least three business days before the meeting. Accommodations:

Any member of the public who needs accommodations should email the ADA Coordinator at ADA@sanjoseca.gov or by calling (408) 535-8430. The ADA Coordinator will use their best efforts to provide reasonable accommodations to provide as much accessibility as possible while also maintaining public safety in accordance with the City procedure for resolving reasonable accommodation requests.

Adaptaciones para discapacitados serán proporcionadas a pedido. Mande correo electrónico ADA@sanjoseca.gov; Llame (408) 535-8430 • Nhu cầu cho người khuyết tật được cung cấp theo yêu cầu. Email ADA@sanjoseca.gov; Gọi (408) 535-8430 • 應要求提供殘疾人便利設施. 電子郵件 ADA@sanjoseca.gov; 致電 (408) 535-8430

Levine Act: The Levine Act requires a Party in a Proceeding before the Authority that involves any action related to their contract, license, permit, or use entitlement to disclose any campaign contributions to elected or appointed officials totaling more than \$250 within the 12 months prior to the decision. A Participant to a Proceeding may voluntarily report a campaign contribution.

**GOVERNING BOARD
SAN JOSE - SANTA CLARA
CLEAN WATER FINANCING AUTHORITY**

**Annual Meeting Minutes
September 14, 2023**

1. Roll Call

Members of the San José-Santa Clara Clean Water Financing Authority (CWFA) Board convened on this date at 3:34 p.m. in person and via Zoom by members of the public and Chair Watanabe, appearing remotely for good cause.

Present:

Board Members: Kathy Watanabe, Chair (Santa Clara) via Zoom
David Cohen, Vice-Chair (San José)
Sergio Jimenez, Board Member (San José)
Rosemary Kamei (San José)
Kevin Park, Board Member (Santa Clara)

All Others: Richard G. Bruneau, Treasurer, CWFA and Director of Finance, San José
Colleen Winchester, Senior Deputy City Attorney, San José
Laura Burke, San José Fiscal Officer of Environmental Services Department
Soumya Panday, Financial Analyst, San José

Absent: None

A quorum was present.

2. Approval of Minutes

Documents Filed: November 10, 2022, Meeting Minutes

Action: Upon motion by Board Member Jimenez, seconded by Board Member Cohen and carried unanimously, the November 10, 2022, Meeting Minutes were accepted.
(4-0. Absent:0, Board Member Kamei abstained from voting)

3. Election of Chair and Vice-Chair

- Board Member Jimenez nominated Board Member Cohen as Chair

SAN JOSE-SANTA CLARA CLEAN WATER FINANCING AUTHORITY
Meeting Minutes of September 14, 2023

Action: Upon motion by Board Member Jimenez, seconded by Board Member Kamei and carried unanimously, the motion to elect Board Member Cohen as Chair was accepted.
(5-0. Absent: 0).

- **Board Member Park nominated himself as Vice-Chair**

Action: Upon motion by Board Member Jimenez, seconded by Board Member Kamei carried unanimously, the motion to elect Board Member Park as Vice-Chair was accepted.
(4-0. Absent: 0, Board Member Park abstained from voting).

4. Other Items

The next annual meeting is scheduled for September 12, 2024, at 3:30 p.m.

5. Public Comment

None.

6. Adjournment

Chair Watanabe confirmed to City Attorney Winchester that there was no one over the age of 18 with her in the same room during the course of the meeting.

The meeting was adjourned at 3:38 p.m.

SAN JOSE-SANTA CLARA CLEAN WATER FINANCING AUTHORITY
Meeting Minutes of September 14, 2023

Acceptance of September 14, 2023, Minutes:



Kathy Watanabe, Board Member

David Cohen, Board Member



[Rosemary Kamei \(Oct 16, 2023 13:59 PDT\)](#)

Sergio Jimenez, Board Member

Rosemary Kamei, Board Member



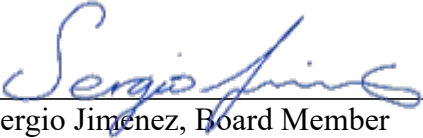
Kevin Park, Board Member

SAN JOSE-SANTA CLARA CLEAN WATER FINANCING AUTHORITY
Meeting Minutes of September 14, 2023

Acceptance of September 14, 2023, Minutes:

Kathy Watanabe, Board Member

David Cohen, Board Member



Sergio Jimenez, Board Member

Rosemary Kamei, Board Member

Kevin Park, Board Member

SAN JOSE-SANTA CLARA CLEAN WATER FINANCING AUTHORITY
Meeting Minutes of September 14, 2023

Acceptance of September 14, 2023, Minutes:

Kathy Watanabe, Board Member



David Cohen, Board Member

Sergio Jimenez, Board Member

Rosemary Kamei, Board Member

Kevin Park, Board Member



Memorandum

TO: HONORABLE CHAIR
AND BOARD MEMBERS

FROM: Toni J. Taber, CMC
City Clerk

**SUBJECT: CONFLICT OF INTEREST CODE
BIENNIAL UPDATE**

DATE: September 5, 2024

RECOMMENDATION

Adopt a resolution regarding the Review of the Conflict of Interest Code for the San Jose-Santa Clara Clean Water Financing Authority(Authority).

OUTCOME

The recommended action ensures compliance with the California Political Reform Act and confirms to the County of Santa Clara Board of Supervisors that the Authority's Conflict of Interest Code complies with legal requirements.

BACKGROUND

The Political Reform Act requires all public officials, employees, and consultants who make or participate in the making of government decisions to disclose any economic interests that could be affected by those decisions. On November 10, 2022, the Board of the Authority adopted Resolution 22-03A which contains its current Conflict of Interest Code, which sets forth reporting requirements for the Authority's officials and other members. The California Government Code requires the the Conflict of Interest Code to be reviewed and updated if necessary biennially of each even-numbered year.

ANALYSIS

Government Code Section 87303 provides that the conflict of interest code is not effective until it is approved by the code reviewing body. In the Authority's case, the County of Santa Clara Board of Supervisors is the reviewing body. As a result, the Authority is required to review its Conflict of Interest Code for an update or changes and provide any proposed changes to the Board of Supervisors.

Government Code Section 87302 contains the requirements of conflicts of interest codes which includes details about designated officials and required reporting of financial interests. Since the last update to the Authority's Conflict of Interest Code in Resolution 22-03A, there have been no changes to the designated officials or positions. In addition, the current Conflict of Interest Code contains all of the required elements.

The Board should adopt the proposed Resolution 24-01 allowing the Authority to verify to the County of Santa Clara Board of Supervisors that the Conflict of Interest Code was reviewed and no amendments are necessary.

HONORABLE CHAIR AND BOARD MEMBERS
September 5, 2024
Subject: Conflict of Interest Code Biennial Update
Page 2



Toni J. Taber, CMC
Secretary of the
Board

For questions, please contact Toni Taber, Secretary of the Board, at city.clerk@sanjoseca.gov or (408) 535-1260.

Attachment: Resolution 22-03A Resolution of the Governing Board of the San Jose-Santa Clara Clean Water Financing Authority Setting Forth its Conflict of Interest Code and Superseding Resolution 14-01 (As Amended)

**San Jose-Santa Clara
Clean Water Financing
Authority**

Conflict of Interest Code

**RESOLUTION NO. 22-03A
RESOLUTION OF THE GOVERNING BOARD OF THE
SAN JOSE-SANTA CLARA CLEAN WATER FINANCING
AUTHORITY SETTING FORTH ITS CONFLICT OF
INTEREST CODE AND SUPERSEDING RESOLUTION
NO. 14-01 (AS AMENDED)**

WHEREAS, the City of San José ("San José") and the City of Santa Clara ("Santa Clara") have entered into a Joint Exercise of Powers Agreement, dated as of March 1, 1981, as amended and restated by a Second Amended and Restated Joint Exercise of Powers Agreement, dated as of October 17, 1995 for the San José-Santa Clara Clean Water Financing Authority ("Authority"); and

WHEREAS, on November 12, 2014, this Board adopted Resolution No. 14-01, to set forth the Authority's conflict of interest code; and

WHEREAS, on this date, this Board has conducted its review of its conflict of interest code and desires to make changes to it; and

WHEREAS, pursuant to Government Code Sections 87300 and 87302, the Authority desires to adopt and incorporate by reference in its revised conflict of interest code the terms of the standard model conflict of interest code adopted by the Fair Political Practices Commission ("FPPC") by Title 2, Division 6, California Code of Regulations (the "Regulations"), Section 18730; and

WHEREAS, the revised conflict of interest code adopted by the Authority by this Resolution will be submitted to the Santa Clara County Board of Supervisors as the code reviewing body for approval;

NOW, THEREFORE BE IT RESOLVED BY THE GOVERNING BOARD OF THE SAN JOSE-SANTA CLARA CLEAN WATER FINANCING AUTHORITY THAT:

Section 1. In accordance with Government Code Sections 87300 and 87302, the Authority's Conflict of Interest Code is adopted by this Resolution and Appendix I attached hereto.

Section 2. The terms of Section 18730 of the Regulations, and any amendments to Section 18730 or to the Regulations, taken with the appendix attached to this Resolution and incorporated by reference, constitute the Authority's Conflict of Interest Code.

Section 3. Pursuant to Government Code Section 87200, the members of the Authority Board and the Director of Finance of the City of San José, who serves as the Treasurer of the Authority, are "public officials who manage public investments" and accordingly are subject to the disclosure and disqualification provisions set forth in

Government Code Sections 87200 through and including 87210 and are not subject to the Conflict of Interest Code adopted by this Resolution and shall submit their Statements of Economic Interests to the Secretary of the Authority who shall make and retain copies and forward the originals to the County of Santa Clara Clerk of the Board of Supervisors. Copies of all Statements of Economic Interest retained by the Authority will be available for public inspection and reproduction pursuant to Government Code Section 81008.

Section 4. Each "consultant" as defined by the Act and the Regulations adopted by the FPPC, is required to file disclosure Form 700 with the Secretary of the Board. If statements are received in signed paper format, the Authority shall make and retain a copy and forward the original of this statement to the Santa Clara County Clerk of the Board of Supervisors. If statements are electronically filed using the County of Santa Clara's Form 700 e-filing system, both the Santa Clara County Clerk of the Board of Supervisors and the Authority will receive access to the e-filed statement simultaneously. The Authority shall retain a copy for its records. Statements of Economic Interests are public records available for public inspection and reproduction pursuant to Government Code Section 81008.

Section 5. Nothing in this Resolution should be construed to allow any consultant retained by the Authority to make or participate in making or in any way attempt to influence a governmental decision in which the consultant knows or has reason to know that the consultant has a financial interest. Disqualification in the event of a conflict of interest is governed by the Act in Section 87100 and following of the Government Code and the Regulations.

All agreements with consultants, whether or not such a consultant is required to file a disclosure statement in accordance with this Resolution, shall provide that the consultant is obligated to disqualify himself or herself if a conflict of interest exists at any time during the term of the agreement.

Section 6. The Secretary of the Board is the filing official for the Authority (the "Filing Official"). The Filing Official is responsible for, among other things: (1) forwarding the Statements of Economic Interests from the Authority's filers to the Clerk of the Santa Clara County Board of Supervisors (or ensuring they are e-filed in the County's electronic system); (2) supplying the necessary forms and manuals prescribed by the Fair Political Practices Commission to the Authority's filers; (3) notifying the Clerk of the Board of the Santa Clara County Board of Supervisors regarding new individuals in designated positions, individuals leaving designated positions, and other events affecting filing obligations; and (4) notifying the Clerk of the Board of the Santa Clara County Board of Supervisors no later than December 15 of each year of the names and positions of every person whose Statements must be forwarded to the Clerk of the Board of the Santa Clara County Board of Supervisors.

Section 7. This revised conflict of interest code will not take effect until approved by the Santa Clara County Board of Supervisors. Upon approval of this revised conflict of

NVF:NXN:KML
11/10/2022


interest code by the Santa Clara County Board of Supervisors, Resolution No. 14-01 will be superseded and will have no effect.

ADOPTED this 10th day of November by the following vote:

AYES: WATANABE, COHEN, JIMENEZ, JONES, PARK

NOES:

ABSENT:

By: 
Kathy Watanabe (Nov 30, 2022 15:48 PST)
Kathy Watanabe,
Chair

Attest:


Toni Taber (Nov 30, 2022 12:13 PST)
Secretary of the Board

APPENDIX I

A. Government Code Section 87200 Authority Filers

Pursuant to Government Code Section 87200, officials who manage public investments as defined by Title 2 of the California Code of Regulations Section 18700.3(b) are subject to the disclosure requirements of the Political Reform Act and are required to file full Statements of Economic Interests. The Authority has determined that the holders of the positions listed below are officials who manage public investments for the Authority.

Authority Board Member
Authority Treasurer

B. Designated Positions

Designated Position	Disclosure Category
Consultant	1
Newly Created Position	*

Disclosure Category 1 for Consultant's Disclosure:

A Consultant, as defined by the Act and the Regulations adopted by the FPPC, shall disclose all investments, business positions and sources of income, including gifts, loans and travel payments, and all interests in real property, subject to the following limitation: The Treasurer of the Authority may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to comply fully with the full disclosure requirements, but instead must comply with more tailored disclosure requirements specific to that consultant. Such a determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. All such determinations are public records and shall be retained for public inspection along with this conflict of interest code. The interests to be disclosed shall be set forth in the agreement for services between the consultant and the Authority.

* Newly Created Position:

A newly created position that makes or participates in the making of decisions that may foreseeably have a material effect on any financial interest of the position-holder, and which specific position title is not yet listed in an agency's conflict of interest code is included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the code, subject to the

following limitation: The Treasurer of the Authority may determine in writing that a particular newly created position, although a "designated position," is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the broadest disclosure requirements, but instead must comply with more tailored disclosure requirements specific to that newly created position. Such written determination shall include a description of the newly created position's duties and, based upon that description, a statement of the extent of disclosure requirements. All such determinations are public records and shall be retained for public inspection in the same manner and location as this conflict-of-interest code. (Gov. Code Section 81008.)

As soon as the Authority has a newly created position that must file statements of economic interests, the Authority's Filing Official shall contact the County of Santa Clara Clerk of the Board of Supervisors Form 700 division to notify it of the new position title to be added in the County's electronic Form 700 record management system, known as eDisclosure. Upon this notification, the Clerk's office shall enter the actual position title of the newly created position into eDisclosure and the Authority's Filing Official shall ensure that the name of any individual(s) holding the newly created position is entered under that position title in eDisclosure.

Additionally, within 90 days of the creation of a newly created position that must file statements of economic interests, the Authority shall update this conflict-of-interest code to add the actual position title in its list of designated positions, and submit the amended conflict of interest code to the County of Santa Clara Office of the County Counsel for code-reviewing body approval by the County Board of Supervisors. (Gov. Code Sec. 87306.)

RESOLUTION NO. 24-01

RESOLUTION OF THE GOVERNING BOARD OF THE SAN JOSE-SANTA CLARA CLEAN WATER FINANCING AUTHORITY REGARDING THE REVIEW OF ITS CONFLICT OF INTEREST CODE

WHEREAS, the City of San José (“San José”) and the City of Santa Clara (“Santa Clara”) have entered into a Joint Exercise of Powers Agreement, dated as of March 1, 1981, as amended and restated by a Second Amended and Restated Joint Exercise of Powers Agreement, dated as of October 17, 1995 for the San José-Santa Clara Clean Water Financing Authority (“Authority”); and

WHEREAS, the Political Reform Act requires every local governmental agency to review its conflict of interest code in even numbered years;

WHEREAS, Government Code Section 87303 provides that the conflict of interest code is not effective until it has been “approved by the code reviewing body;”

WHEREAS, the County of Santa Clara Board of Supervisors is code reviewing body for the Authority;

WHEREAS, on November 10, 2022, this Board adopted Resolution No. 22-03A, as amended to update the Authority’s conflict of interest code; and

WHEREAS, this Board has conducted its review of its Conflict of Interest Code in Resolution No. 22-03A to determine whether it properly designates all positions that make or participate in making governmental decisions and contains all other provisions as required by Government Code Section 87302; and found that no changes are necessary; and

NOW, THEREFORE BE IT RESOLVED BY THE GOVERNING BOARD OF THE SAN JOSE-SANTA CLARA CLEAN WATER FINANCING AUTHORITY THAT:

The Authority validates the Secretary of the Board’s advisement to the Clerk of the County of Santa Clara County Board of Supervisors that:

This agency's conflict of interest code accurately designates all positions that make or participate in the making of governmental decisions. The disclosure categories assigned to those positions accurately requires that all investments, business positions, interests in real property, and sources of income that may

foreseeably be affected materially by the decisions made by those holding the designated positions are reported. The code includes all other provisions required by Government Code Section 87302.

ADOPTED this day of _____ by the following vote:

AYES:

NOES:

ABSENT:

By: _____

Attest:

Secretary of the Board

Memorandum

TO: HONORABLE CHAIR AND
BOARD MEMBERS

FROM: Nora V. Frimann
City Attorney

**SUBJECT: SAN JOSE-SANTA CLARA
CLEAN WATER FINANCING
AUTHORITY MEETING
SCHEDULE**

DATE: September 4, 2024

INFORMATIONAL MEMORANDUM

The annual meeting of the San José-Santa Clara Clean Water Financing Authority (Authority) will occur on October 10, 2024 at 3:30 p.m. (continued from September 12, 2024 at 3:30 p.m.) before the Treatment Plant Advisory Commission convenes. Authority's annual meeting schedule. This is an informational item, and no Authority Board action is necessary.

The Second Amended and Restated Joint Exercise of Powers Agreement between the City of San José and the City of Santa Clara Creating San José-Santa Clara Clean Water Financing Authority (Agreement) governs the Authority. The Agreement requires that the Authority "shall hold at least one regular meeting each year." (Agreement, Section 8(a).)

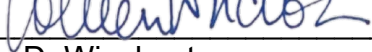
The Authority currently does not have any outstanding bonds. The Sewer Revenue Refunding Bonds (Series 2009A) matured on November 15, 2020. Under the Agreement, the Authority continues in existence until the Revenue Bonds and interest are repaid or until January 1, 2031, whichever comes last. (Agreement, Section 4.) Therefore, unless the Authority issues new bonds, or the Agreement is amended, the Authority will cease as of January 1, 2031.

In the meantime, it may become necessary or convenient for the Authority to issue new debt. As a result, to ensure the ongoing existence of the Authority, the September annual meeting occurs even with a very light Agenda. As for the other meetings, since debt can only be issued at an Authority's regular meetings (February, May, November), as opposed to a special meeting, those meetings remain on calendar but are not necessary unless a need arises. In that case, the Authority Clerk will provide notice and an Agenda in compliance with the Brown Act.

The Authority's 2025 Annual meeting will occur on Thursday, September 11, at 3:30 p.m.. Unless there is a need for the Authority to meet, the other regular meeting will likely be cancelled.

Respectfully submitted,

NORA FRIMANN
San José City Attorney

By 
Colleen D. Winchester
Sr. Deputy City Attorney

For questions, please contact Rick Bruneau, Director of Finance, San Jose/Treasurer, Clean Water Financing Authority (408) 535-7011

cc: Jennifer Maguire