

I would like the following to be post agenda material for item # 6. 22-1133

This has reference to the false propaganda being launched against myself and Councilmember Karen Hardy by a blogger regarding taking illegal gifts and the ongoing FPPC complaint. We visited the stadium in the authority of being board member on an operational tour of the stadium and not to watch the NFL game.

***At this stage FPPC has also informed us the following:***

*"Please note that although a case has been opened, we have not determined the validity of the allegations made against you or the culpability of anyone identified in the complaint."*

Again, as Stadium Authority Board members, we did not go to the stadium to watch the game but we went there on an operational tour. While the game was going on we were with different operational teams like public safety, fire department, traffic management team, temporary holding facility, public safety staging area etc. Post attendance, we also took advice from the city attorney's office full reply is attached.

**Some highlights of the City attorney's office as opined:**

**"I think that the 18942.1(c) exception applies here. I have found two FPPC advice letters that suggest that free admission to an event could qualify as informational material if the purpose of the admission is to assist officials in performance of their official duties.**

**I think the councilmembers have a strong argument that 18942.1 applies. The tour was primarily designed to convey information because stadium staff and PD provided council members a tour specifically highlighting issues relevant to the governing body for the stadium. The tour was specifically designed for the councilmembers/SA members evidenced by the fact that they accessed areas of the stadium that are not open to the public such as the temporary holding facility. The tour was also intended to convey information about stadium operations and security procedures. Lastly, free admission to the stadium during a game was arguably necessary to accurately assess the operation of the stadium in real time.**

**The FPPC advice letters make clear that the informational material exception applies to the cost of admission and the value of any information provided. However, meals and beverages received would be considered gifts."**

Please note, we did not take any meals during this operational tour except for bottle of water. Please note all this info was provided to the blogger multiple times and he did not publish it - as he has an agenda and spreads false information.

It is pity that Ms Lee Broughman wants to reprimand us for doing our official duty as stadium board members.

Raj Chahal

**From:** Luis Haro <[LHaro@santaclaraca.gov](mailto:LHaro@santaclaraca.gov)>  
**Date:** June 21, 2022 at 1:12:05 PM PDT  
**To:** James Sanchez <[jsanchez@santaclaraca.gov](mailto:jsanchez@santaclaraca.gov)>  
**Cc:** Steve Ngo <[sngo@santaclaraca.gov](mailto:sngo@santaclaraca.gov)>  
**Subject:** RE: FPPC Gift definition

Hi Jim,

I think that the 18942.1(c) exception applies here. I have found two FPPC advice letters that suggest that free admission to an event could qualify as informational material if the purpose of the admission is to assist officials in performance of their official duties.

In J. Kenneth Brown, 1993 WL 841063, the FPPC determined that complimentary tickets given to a City theater manager to watch a performance at a private theater did not constitute a gift because the theater manager attended the performance to evaluate potential performers for the City. In Carol Federighi, 2007 WL 2745152, a mayor of a city was provided with admission to a conference and tour of *L'Hermoine* in France. Here, the FPPC determined that free admission to the conference was informational but admission for the tour was considered a gift because the tour did not assist the mayor in the performance of his official duties.

“Informational material” means any item which serves primarily to convey information and which is provided to an official for the purpose of assisting him or her in the performance of his or her official duties. Informational material may include on-site demonstrations, tours, or inspections designed specifically for public officials. The FPPC considers several factors when determining whether a tour qualifies as informational material, such as: (1) will the tour primarily convey information; (2) is the tour specifically designed for public officials; (3) was the tour formally structured to convey information to the officials; (4) does the tour appear extravagant in value or nature in relationship to the information conveyed.

I think the councilmembers have a strong argument that 18942.1 applies. The tour was primarily designed to convey information because stadium staff and PD provided council members a tour specifically highlighting issues relevant to the governing body for the stadium. The tour was specifically designed for the councilmembers/SA members evidenced by the fact that they accessed areas of the stadium that are not open to the public such as the temporary holding facility. The tour was also intended to convey information about stadium operations and security procedures. Lastly, free admission to the stadium during a game was arguably necessary to accurately assess the operation of the stadium in real time.

The FPPC advice letters make clear that the informational material exception applies to the cost of admission and the value of any information provided. However, meals and beverages received would be considered gifts.

Let me know if you have any follow up questions.

Luis

**From:** James Sanchez <[jsanchez@Santaclaraca.gov](mailto:jsanchez@Santaclaraca.gov)>  
**Sent:** Tuesday, June 21, 2022 11:58 AM  
**To:** Luis Haro <[LHaro@Santaclaraca.gov](mailto:LHaro@Santaclaraca.gov)>  
**Cc:** Steve Ngo <[sngo@Santaclaraca.gov](mailto:sngo@Santaclaraca.gov)>  
**Subject:** FPPC Gift definition  
**Importance:** High

Luis,

I'm receiving inquiries on whether CM Chahal received a reportable gift of access (ticket) to the 49ers game where he was accessing the stadium as Board member to tour the operations including safety, operations and post-game cleanup and access. I suspect if the primary purpose of the visit was to tour the facility and operations, there may not be a gift. Does this fall within the FPPC Guidelines section 18942.1 as an operational tour?

**James Sanchez** | Interim City Attorney  
City Attorney's Office  
1500 Warburton Avenue | Santa Clara, CA 95050  
M: 408-615-2230 | D: 408-615-2234 | F: 408-249-7846

