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Clerk of Court
Superior Court of CA,
County of Santa Clara
20CV366845
Reviewed By: S. Alvarez
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11 **SUPERIOR COURT OF CALIFORNIA**
12 **COUNTY OF SANTA CLARA**

13
14 SANTA CLARA STADIUM AUTHORITY,
A joint powers agency,

15 Plaintiff,

16 v.

17 ALL PERSONS INTERESTED IN THE
18 MATTER of the validity of the Santa Clara
Stadium Authority's Adoption of its "Fiscal
19 Year 2020/21 Operating, Debt Service, and
Capital Budget, including Funding Shared
20 Stadium Manager Expenses at \$3,045,000 and
a Legal Contingency at \$9,231,000," as Santa
21 Clara Stadium Authority's current fiscal year
2020/21 budget,

22 Clerk of Court
23 Defendants.
24
25
26
27
28

Case No. (*Número del Caso*): 20CV366845

SUMMONS (*CITACIÓN JUDICIAL*)

**(TO BE PUBLISHED PURSUANT TO
GOVERNMENT CODE § 6063)**

**COMPLAINT FOR VALIDATION OF
PROCEEDINGS (*IN REM*)**

1 **NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST**
2 **YOU WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND NOT LATER THAN**
3 **JULY 20, 2020, WHICH IS AT LEAST TEN (10) DAYS AFTER COMPLETION OF THE**
4 **PUBLICATION OF THIS SUMMONS. READ THE INFORMATION BELOW.**

5 ***¡AVISO! USTED HA SIDO DEMANDADO. EL TRIBUNAL PUEDE DECIDIR***
6 ***CONTRA USTED SER ESCUCHADO A MENOS QUE USTED RESPONDA NO MÁS***
7 ***TARDE QUE EL 20 DE JULIO DE 2020, QUE SON DIEZ (10) DIAS DEPUÉS DE LA***
8 ***TERMINACIÓN DE LA PUBLICACIÓN DE ESTA CITACIÓN. LEA LA INFORMACIÓN***
9 ***QUE SIGUE.***

10 TO ALL PERSONS INTERESTED IN THE MATTER OF THE VALIDITY OF
11 PLAINTIFF SANTA CLARA STADIUM AUTHORITY’S ADOPTION OF ITS OWN BUDGET
12 AS THE PUBLIC AGENCY’S CURRENT FISCAL YEAR 2020/21 BUDGET:

13 Plaintiff has filed a civil complaint against you. You may contest the validity of the above
14 matter by appearing and filing with the Court a written responsive pleading to the Complaint not
15 later than **JULY 20, 2020**, which is ten (10) days or more after the completion of the publication
16 of this summons. Your written response must be in proper legal form required by the California
17 Rules of Court. Your original pleading must be filed in this Court with proper filing fees and
18 proof that a copy thereof was served on Plaintiff’s attorney. Unless you so respond, your default
19 will be entered upon Plaintiff’s application, and the Plaintiff may apply to the Court for the relief
20 demanded in the Complaint. Persons who contest the validity of the matter described below and
21 in the Complaint will not be subject to punitive action, such as wage garnishment or seizure of
22 their real or personal property.

23 DETAILED SUMMARY OF THE MATTER THAT PLAINTIFF SEEKS TO
24 VALIDATE:

25 Santa Clara Stadium Authority (“Stadium Authority”) brings this validation action against
26 all interested persons pursuant to Government Code §§ 53510, *et seq.*, and Code of Civil
27 Procedure §§ 860, *et seq.*

28 The San Francisco Forty Niners (“Team”) is a professional football team, and a franchise

1 of the National Football League. Prior to 2014, the Team played its home games in Candlestick
2 Park in the City and County of San Francisco. In 2008, the Team and the City of Santa Clara,
3 through its governing body, the City Council, began to discuss the possibility of developing a new
4 stadium in the City of Santa Clara (“Levi’s Stadium”). Thereafter, the Stadium Authority was
5 created as a joint powers authority. It was created pursuant to Government Code §§ 6500, *et seq.*,
6 and memorialized in a Joint Exercise of Power Agreement Establishing the Santa Clara Stadium
7 Authority, dated February 22, 2011 (“JPA”) as a means to provide for development and operation
8 of Levi’s Stadium.

9 As part of its obligations, Stadium Authority is charged with adopting an annual budget,
10 and must exercise its budget making power in the same manner as the City of Santa Clara. (JPA
11 §§ 4.1; 2.7.) The City of Santa Clara is charged with adopting an annual budget and it may not
12 incur any indebtedness or liability exceeding its revenue. (Santa Clara City Charter § 1304; Gov’t.
13 Code § 53901; Cal. Const. Art XVI § 18.) Budget-making power is a discretionary power that
14 may not be delegated. (*City of Los Angeles v. Superior Court* (2013) 56 Cal. 4th 1086, 1095.)

15 On March 24, 2020, at a duly noticed public meeting and in the exercise of its budgetary
16 power, Stadium Authority voted unanimously through its governing board to “Adopt the Santa
17 Clara Stadium Authority Fiscal Year 2020/21 Operating, Debt Service, and Capital Budget,
18 including Funding Shared Stadium Manager Expenses at \$3,045,000 and a Legal Contingency at
19 \$9,231,000” (“Stadium Authority’s March 24th Budget”). Attached to the Complaint as Exhibit A
20 is a true copy of the Public Hearing/General Business File Number 20-47, which includes the
21 certified vote, the March 24th Agenda Report, and Stadium Authority’s March 24th Budget.

22 Stadium Authority filed this validation action to obtain a judicial declaration and judgment
23 of the validity of the matters alleged in the Complaint and described above. Specifically, Stadium
24 Authority seeks a declaration from the Court (a) that this action is properly brought under
25 Government Code §§ 53510, *et seq.*, and Code of Civil Procedure §§ 860, *et seq.*, in the Superior
26 Court for the County of Santa Clara; (b) that under JPA §§ 4.1; 2.7, Santa Clara City Charter §
27 1304, Government Code §§ 6500, *et seq.*, and 53901, and Cal. Const. Art XVI § 18, Stadium
28 Authority alone is authorized to adopt an annual budget; (c) that adoption of Stadium Authority’s

1 March 24th Budget was and is valid and in conformity with the applicable provisions of all laws
2 and enactments at any time in force or controlling upon such proceedings, whether imposed by
3 law, constitution, statute or ordinance, and whether federal, state or municipal; and (d) that
4 Stadium Authority's March 24th Budget is the current fiscal year 2020/21 budget for Stadium
5 Authority.

6 **YOU MAY SEEK THE ADVICE OF AN ATTORNEY IN ANY MATTER**
7 **CONNECTED WITH THE COMPLAINT OR THIS SUMMONS. SUCH ATTORNEY**
8 **SHOULD BE CONSULTED PROMPTLY SO THAT YOUR PLEADING, IF ANY, MAY**
9 **BE FILED OR ENTERED WITHIN THE TIME REQUIRED BY THIS SUMMONS.**

10 ***SI USTED DESEA SOLICITAR EL CONSEJO DE UN ABOGADO EN ESTE***
11 ***ASUNTO, DEBERÍA HACERLO INMEDIATAMENTE, PARA QUE, SU REPUESTA***
12 ***ESCRITA, SI HAY ALGUNA, PUEDA SER REGISTRADA A TIEMPO.***

13 The name and address of the Court is (*El nombre y dirección de la corte es*):

14 Superior Court of California
15 County of Santa Clara
16 191 North First Street
17 San Jose, CA 95113

18 The name, address, and telephone number of Plaintiff's attorney are (*El nombre, la*
19 *dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene*
20 *abogado, es*):

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26 **Clerk of Court**

27 Date (*Fecha*): 6/4/2020 4:38 PM Clerk, by: _____ /s/ S. Alvarez _____, Deputy
28 (*Secretario*) (*Adjunto*)

[SEAL]

