



ADMINISTRATIVE SERVICES DEPARTMENT

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Date: April 8, 2024

To: Cupertino City Council

From: Kristina Alfaro, Director of Administrative Services

Cc: Pamela Wu, City Manager,
Chris Jensen, City Attorney,
Matt Morely, Assistant City Manager and
Jonathan Orozco, Finance Manager

Re: Update on Cupertino Public Facilities Corporation (CPFC)

Background

As part of the March 5th and April 3, 2024, meetings the following questions were asked by Council regarding the Cupertino Public Facilities Corporation.

1. Can we get an update for when our annual Board of Directors meeting is planned? And an update on the resumption of tax-exempt status and timeline?

Staff response: Under the Cupertino Public Facilities Corporation Bylaws sections 6 Regular and Organizational Meetings "Regular meetings of the Board of Directors shall be held at such time as the Board may fix by resolution from time to time;" Resolution 87-4 set the meeting date as the third Monday in November of each year. City staff has scheduled the meeting for November 18, 2024.

The City's external legal counsel submitted an application requesting the reinstatement of Cupertino Public Facilities Corporation's (CPFC) 501(c)(4) status in December. Subsequently, staff has received confirmation from the IRS acknowledging the receipt of the application. A determination letter has not been issued.

2. Since we are apparently the Board, what is our ability to call a meeting?

Staff response: Bylaws section 7 Special Meetings "Special meetings of the Board of Directors shall be called, noticed and held in accordance with the provisions of Section 54956 of the Brown Act." Section 54956 of the Brown Act reads as follows, "(a) A special meeting may be called at

any time by the presiding officer of the legislative body of a local agency, or by a majority of the members of the legislative body....”