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## Citizens' Advisory Committee

Memo-24-21

Meeting SP 24-04

September 23, 2024

To: Citizens' Advisory Committee  
From: Marc Landgraf, Assistant General Manager  
Subject: Receive Update on Open Space Authority Enabling Act and Other Legislative Updates

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### **REVENUE/COST**

There is no cost associated with this item.

### **BACKGROUND**

Background relevant to an update on Board of Directors Ad Hoc Committee on Financial Sustainability:

The Santa Clara Valley Open Space Authority (Authority) Financial Sustainability Ad Hoc Committee of the Board (comprised of Directors Chapman, Annable, and Potter) met in 2023 on August 4, September 15, October 20, November 17, and December 15. In 2024, the Committee met on January 19, January 26, April 19, May 22, and September 4. The goal of these meetings was to work with staff to consider the various factors affecting long term sustainable funding for the agency's projects, programs and operations, as it relates to potential funding mechanisms. The Committee worked with staff and with external financial consultants NHA Advisors and NBS Financial to project future financial revenues and expenditures to support the anticipated financial needs of the agency, and to consider various financial mechanisms such as parcel taxes and bonds.

Background relevant to the status of AB 2682 (Kalra) - Open Space Authority Enabling Act amendments:

The original Enabling Act of the Santa Clara County Open Space Authority was passed by the State Legislature in 1992 and became effective in 1993. Amendments modified the original Enabling Act in 2007 (effective 2008) and 2012 (effective 2013).

In 2015, the Authority worked with then-Senator Bill Monning to amend the Authority's Enabling Act to affect a name change, to the Santa Clara Valley Open Space Authority (Authority), and to allow the Authority to hold lands both within and without the agency's jurisdictional boundaries. This legislation, SB 422, became effective on January 1, 2016.

In 2019, the Authority sponsored legislation to create the Coyote Valley Conservation Program in California state statute. AB 948, authored by Assemblymember Ash Kalra, became effective on January 1, 2020.

On October 23, 2023, the Authority Board of Directors approved pursual in the State Legislature of certain amendments to the Authority's Enabling Act, as briefly summarized below:

- 1) Allow purchase of lands in fee title east of the westernmost ridgeline of the Diablo Range.
- 2) Raise the General Manager's expenditure authority from \$25,000 to \$50,000 and raise the threshold for formal bidding from \$75,000 to \$100,000.
- 3) Allow the Open Space Authority to create Community Facilities Districts for revenue financing, like the ability that other open space districts in the San Francisco Bay Area have.

On February 14, 2024 Assemblymember Ash Kalra, representing California Assembly District 25, introduced Assembly Bill (AB) 2682, which sets forth the Open Space Authority's Enabling Act amendments.

Since that initial introduction of AB 2682, in April and in May, amendments have been made to the draft legislation that:

1. Allows for exemptions in any tax measures the Authority would consider placing on the ballot, for persons 65 years of age or older, for persons receiving Supplemental Security Income for a disability, or for persons receiving Social Security Disability Insurance benefits; and
2. Keeps the threshold for *construction and maintenance* contracts as it is in the Authority's current Enabling Act (\$25,000 for informal bidding, \$75,000 for formal bidding), with the threshold for *other* types of contracts increased as approved by the Authority Board in October 2023 (\$50,000 for informal bidding and \$100,000 for formal bidding).

#### **DISCUSSION**

Staff will provide an update on the feasibility assessment of placing a funding measure on a future ballot, an update on the AB 2682 amendments specified above, and possible additional updates on other relevant legislation.

#### **RECOMMENDATION**

This is an informational item. No action is recommended.