

RESOLUTION 20-46

A RESOLUTION OF THE GOVERNING BOARD OF THE SANTA CLARA VALLEY OPEN SPACE AUTHORITY PROPOSING THE ADOPTION BY THE VOTERS OF THE OPEN SPACE, WILDLIFE HABITAT, CLEAN WATER, AND INCREASED PUBLIC ACCESS MEASURE, WHICH WOULD RENEW AND EXTEND AN EXISTING ANNUAL SPECIAL PARCEL TAX UNTIL ENDED BY THE VOTERS, TO BE SUBMITTED TO THE VOTERS AT THE NOVEMBER 3, 2020, ELECTION

WHEREAS, the Legislature established the Santa Clara Valley Open Space Authority (Authority) to preserve key portions of the natural environment in Santa Clara County in order to balance continuing urban growth; and,

WHEREAS, since its creation, the Authority has protected over 26,000 acres of open space, natural areas, creeks and streams, and wildlife habitat to preserve the natural beauty and health of Santa Clara County; and,

WHEREAS, the Authority's work protecting threatened land is a key element in maintaining our region's quality of life; and

WHEREAS, the Authority's jurisdiction includes the cities of Milpitas, Santa Clara, San Jose, Campbell, and Morgan Hill and most unincorporated areas of the County; and

WHEREAS, despite its achievements, the Authority faces significant challenges in continuing to protect and preserve natural areas within its jurisdiction; and

WHEREAS, our region has continued to grow, thereby creating additional pressures on our natural areas, wildlife habitat, creeks and streams; and

WHEREAS, by acting to protect open space, we preserve clean water, clean air, public health, and public safety for current and future generations; and

WHEREAS, the Authority requires a more stable, dedicated, and ongoing funding stream to address these growing pressures on open space lands and to continue to protect the natural areas within the Authority's jurisdiction from land use conversion, pollution, and other threats; and,

WHEREAS, State law (Public Resources Code Section 35172; Government Code Sections 50077 and 53724; Elections Code Section 9342) authorizes the Authority to impose, subject to voter approval, a special tax.

NOW, THEREFORE, BE IT RESOLVED, that:

1. **Submission of Measure to Voters.** The Authority Governing Board (Board) hereby approves and proposes to submit for adoption by the voters at the November 3, 2020 election, The Open Space, Wildlife Habitat, Clean Water, and Increased Public Access Measure as set forth herein (Measure).

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2. **Specific Purposes of the Tax Proposed by the Measure.** The Measure, if approved by the voters, would renew and extend, until ended by the voters, a special parcel tax (Tax) of \$24 per parcel per year for the specific purposes of: (1) protecting open space, redwood forests, wildlife habitat, scenic hillsides and agricultural land; (2) protecting land around creeks, rivers and streams to prevent pollution and improve local water quality and supply; (3) opening, improving and maintaining parks, open space, and trails; and (4) providing urban open space, parks, and environmental education programs through a competitive Urban Grants Program, as more fully described in the Expenditure Plan attached hereto as Attachment A and incorporated herein by this reference.
3. **Voter Approval Required.** The Tax is proposed pursuant to Public Resources Code Section 35172, Government Code Sections 50077 and 53724, and Elections Code Section 9342. The Tax shall not be imposed or levied unless it is approved by a two-thirds vote of the voters voting on it.
4. **Amount and Duration of Tax.** The Tax shall be a flat parcel tax, levied at a rate of \$24 per parcel, and shall apply uniformly to all parcels of real property within the Authority's jurisdiction, except as provided in Section 6, below. The Tax shall be levied annually until ended by the voters.
5. **Special Account.** All revenue generated by the Tax shall be deposited into a special account created for the purposes of holding these revenues. These revenues shall be used only for the specific purposes set forth in Section 2 of this Resolution, as more fully described in the Expenditure Plan.
6. **Collection of Tax.** Although it is not an ad valorem tax, the Tax shall be billed by the County of Santa Clara on the secured roll tax bills for ad valorem property taxes and shall be due to the Authority. The Tax, including any penalties or interest for failure to timely pay the Tax, shall be imposed and collected in the same manner in which the County collects secured roll ad valorem property taxes. The reasonable costs incurred by the County officers collecting and administering this Tax shall be deducted from the collected Tax. All property that is otherwise exempt from ad valorem property taxes in any year shall also be exempt from the Tax in such year. The Tax shall not be levied on any property that is legally exempt from paying it. The Authority shall adopt procedures that set forth any clarifications and exemptions as required by law for claimants seeking an exemption or refund of the Tax.
7. **Severability.** If any portion of this Resolution or any portion of any parcel tax levied under it is for any reason held to be invalid, that shall not affect the validity of the remainder of the Resolution or the remainder of any parcel tax levied under it. The voters within the Authority's geographic jurisdiction hereby declare that they would have adopted the remainder of this Resolution regardless of the invalidity of any portion of the Resolution or any tax levied thereunder.
8. **Annual Report.** On or before January 1 of each fiscal year, the Authority's chief fiscal officer shall file an annual report with the Board that explains (1) the amount of funds collected and expended under this Measure and (2) the status of the projects authorized to be funded by this revenue. (Government Code Sections 50075.1(d), 50075.3).

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9. **Independent Oversight Committee.** The Authority's existing Independent Oversight Committee shall review the expenditures of all parcel tax revenues collected under this Measure, consistent with Part C(l) of the Expenditure Plan.

10. **Administration.** The Board may, by resolution, adopt guidelines for administrative matters related to the interpretation and enforcement of this Resolution. Such guidelines may not increase the amount, or extend the duration, of this Tax.

11. **CEQA Findings.** The Board finds that adoption of this Resolution does not constitute a project under the California Environmental Quality Act (see CEQA Guidelines Sections 15060(c)(2)-(3) and 15378(b)(4)), and therefore review under CEQA is not required. The approval of this Resolution does not commit the Authority to funding or approving any specific project or activity listed in the Expenditure Plan. Prior to approving any specific project or activity pursuant to the Expenditure Plan, any necessary environmental review required by CEQA shall be completed.

12. **Effective Date.** This resolution shall take effect immediately upon its confirmation and enactment by two-thirds of the voters voting in the Authority's geographic jurisdiction in the election to be held November 3, 2020 so that the tax may be collected as set forth in Section 4 of this Resolution.

PASSED, APPROVED AND ADOPTED this 23rd day of July 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Alex Kennett, Chairperson
Santa Clara Valley Open Space Authority

APPROVED AS TO FORM:

ATTEST:

William P. Parkin, Legal Counsel

Kellie Guerra, Clerk of the Board

Attachment A

[Expenditure Plan]