

RESOLUTION 20-47

A RESOLUTION OF THE GOVERNING BOARD OF THE SANTA CLARA VALLEY OPEN SPACE AUTHORITY (1) CALLING AND GIVING NOTICE OF AN ELECTION WITHIN THE JURISDICTION OF THE SANTA CLARA VALLEY OPEN SPACE AUTHORITY FOR THE PURPOSES OF SUBMITTING A PROPOSITION TO THE VOTERS TO RENEW AND EXTEND A SPECIAL PARCEL TAX TO PROTECT AND PRESERVE NATURAL OPEN SPACE AREAS; AND (2) REQUESTING CONSOLIDATION OF THIS ELECTION WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON NOVEMBER 3, 2020

WHEREAS, at its duly noticed July 23, 2020, meeting, the Governing Board (Board) considered and adopted a resolution (Resolution 20-46) placing The Open Space, Wildlife Habitat, Clean Water, and Increased Public Access Measure on the November 3, 2020, ballot to request voter approval of a renewal and extension of an existing special parcel tax within the jurisdiction of the Santa Clara Valley Open Space Authority (Authority); and,

WHEREAS, the proposed tax measure, if approved by the voters, would continue to fund the following specific purposes: (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.

WHEREAS, after holding a noticed public hearing on the proposed tax measure, the Board concluded that a secure, stable, and long-term funding source is necessary to protect and preserve the Authority's open space, trails, and parks; and,

WHEREAS, Public Resources Code Section 35172, Government Code Sections 50077 and 53724, and Elections Code Sections 9342 authorize the Board to submit to the voters the proposed measure to levy a special parcel tax on real property to generate funds for open space acquisition, preservation, and maintenance.

NOW, THEREFORE, BE IT RESOLVED, THAT:

1. **Board Approval of Proposed Measure.** The Board is authorized to, and has approved, Resolution 20-46, The Open Space, Wildlife Habitat, Clean Water, and Increased Public Access Measure (Measure), to propose to the voters within the Authority's jurisdiction a measure to renew and extend the existing special parcel tax of \$24 per parcel per year, which is presently set to expire in 2029, until ended by the voters, with all revenues to be used exclusively for the specific purposes set forth in the Measure. The full text of the Measure, which consists of (1) Resolution No. 20-46 and (2) the accompanying Expenditure Plan attached and incorporated therein as Attachment A, is attached hereto as Exhibit 1.

2. **Order of General Election.** A general election is hereby called and ordered to be held within the jurisdiction of the Authority on November 3, 2020, for the purpose of submitting the Measure in the form set forth in Section 3.

3. **Form of Ballot Question.** The Measure shall appear and be printed in the ballots to be used at the election in the following form:

<p>“To continue protecting and preserving natural open spaces without increasing tax rates by: • managing land and water to reduce wildfires and floods; • protecting land around creeks to prevent pollution and improve water quality; • creating urban parks; • preserving wildlife habitats; and, • preserving family farms, and healthy food sources; shall the measure to renew Santa Clara Valley Open Space Authority’s existing \$24 annual parcel tax with no increase, generating approximately \$8,000,000 annually, until ended by voters, with oversight/audits, be adopted?”</p>	YES
	NO

4. **Full Text of Resolution.** The full text of the resolution placing the proposed special parcel tax on the ballot shall be printed in the voter pamphlet. A copy of the full text of the resolution, which consists of (1) Resolution No. 20-46 and (2) the accompanying Expenditure Plan attached and incorporated therein as Attachment A, is attached hereto as Exhibit 1.

5. **Consolidation and Conduct of Election.** The Board of Supervisors of the County of Santa Clara, is hereby requested to order the consolidation of the Authority general election with the regularly scheduled Statewide General Election held on November 3, 2020, pursuant to Elections Code Sections 10400 *et seq.* The consolidated election shall be held and conducted, election officers appointed, voting precincts designated, ballots printed, polls opened and closed, ballots counted and returned, returns canvassed, results declared, certificates of election issued, and all other proceedings incidental to and connected with the election shall be regulated and done by the Santa Clara County Registrar of Voters in accordance with applicable provisions of law.

6. **Notice of Election.** The polls shall open at seven o'clock a.m. the day of the election and shall remain open continuously from that time until eight o'clock p.m. of the same day when the polls shall close, except as provided in Elections Code Section 14401.

7. **Deadline for Submittal of Ballot Arguments.** 5:00 p.m. on August 11, 2020, is the deadline established by the Santa Clara County Registrar of Voters for submission of arguments in favor of and arguments against the Measure. If more than one argument in favor of or against this Measure is received, the priorities set forth in Elections Code Section 9166 shall control.

8. **Procedure for Rebuttal Arguments.** The provisions of Elections Code Section 9317 shall control the submission of rebuttal arguments. 5:00 p.m. on August 18, 2020, is the deadline established by the Santa Clara County Registrar of Voters for submission of rebuttal arguments

9. **Impartial Analysis.** The Clerk of the Board is designated to serve as the Authority's Elections Official and is directed to transmit a copy of this Measure to the County Counsel for Santa Clara County to prepare an impartial analysis of the Measure in accordance with the deadlines established by the Registrar of Voters.

10. **Two-thirds Majority Vote Required.** If the Measure receives approval by a two-thirds vote of the voters voting at the election, the Measure is approved, and the special parcel tax proposed in Resolution 20-46 shall be imposed and levied as set forth therein.

11. **Reimbursement of County's Costs.** The Authority recognizes that the County of Santa Clara will incur additional costs associated with this election consolidation and agrees to reimburse the County for any such costs. The Authority General Manager is hereby authorized to enter into any necessary agreements with the County to implement this consolidation and to expend funds to pay for reimbursement costs associated with this election.

12. **Further Notice of Election.** Notice of the time and place of holding the election is given, and the Clerk of the Board is hereby directed to give further notice or additional notice of the election, in the time, form, and manner required by law.

13. **Conduct of Election.** For all particulars not recited in this resolution, the provisions of the Elections Code for the conduct of the Statewide General Election on November 3, 2020 shall apply to this election.

14. **Further Actions Necessary.** The officers and employees of the Authority are hereby authorized and directed to take all actions and do all things which they, or any of them, may deem necessary or desirable to accomplish the purposes of this Resolution and not inconsistent with the provisions hereof.

15. **Filing with County.** The Clerk of the Board is directed to file with the Board of Supervisors and the County Clerk of Santa Clara County a certified copy of this resolution at least 88 days before the date of the election.

16. **Resolution of Results.** Following canvass of the returns and certification of the results of the election by the Board of Supervisors of the County of Santa Clara, the Board shall adopt a resolution of the results of the election giving the total votes cast for and against the proposed Measure.

17. **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.

18. **Effective Date.** This Resolution shall be effective immediately upon its adoption.

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

AYES:

NOES:

ABSENT:

ABSTENTION:

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

Exhibit 1

[Full text of the measure, which consists of (1) the Substantive Resolution [Resolution No. 20-46] and (2) the Expenditure Plan and attached and incorporated therein as Attachment A]