COUNTY COUNSEL’S IMPARTIAL ANALYSIS OF MEASURE T-Continued

If at least two-thirds of all voters casting ballots in the Authority vote "yes" on Measure T, the tax will be approved.

James R. Williams
County Counsel

By: Mary E. Hanna-Weir
Deputy County Counsel

SANTA CLARA VALLEY OPEN SPACE AUTHORITY MEASURE T

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?

YES  NO

COUNTY COUNSEL’S IMPARTIAL ANALYSIS OF MEASURE T

The Santa Clara Valley Open Space Authority ("Authority") Governing Board ("Board") has placed Measure T on the ballot to extend the existing annual parcel tax of $24 per parcel, that was previously set to expire on June 30, 2029, and to continue the parcel tax on an ongoing basis unless ended by the voters by a future measure. According to the Measure, the parcel tax will raise approximately $8 million per year.

The stated purposes of the parcel tax are protecting open space, redwood forests, wildlife habitat, scenic hillsides and agricultural land; protecting land around creeks, rivers and streams to prevent pollution and improve local water quality and supply; opening, improving and maintaining parks, open space, and trails; and providing urban open space, parks, and environmental education programs through a competitive Urban Grants Program. The Measure states that the revenue from the parcel tax will be used only for the purposes set forth in the Open Space, Wildlife Habitat, Clean Water and Increased Public Access Measure Expenditure Plan, which is incorporated by reference into the Measure.

The tax applies to any parcel of land that lies wholly or partially within the Authority that receives a separate tax bill for property taxes from the Santa Clara County Tax Collector. All property that is otherwise exempt from property taxes in any year is also exempt from the tax in such year.

The Authority is required by law to institute additional accountability measures for the tax proceeds. These measures include: (1) using the tax proceeds only for the specific purposes described in the Measure; (2) depositing the tax proceeds into a separate account from other Authority funds; and (3) providing an annual written report to the Board detailing the amount of funds collected and expended and the status of any project(s) authorized to be funded by parcel tax proceeds. In addition to these requirements, if the parcel tax is approved, the Board will continue to use its existing Independent Oversight Committee to oversee the expenditure of parcel tax revenues.

A "yes" vote is a vote to approve a special tax of $24 per parcel within the Authority on an ongoing basis unless ended by the voters.

A "no" vote is a vote to not approve the tax.
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: A. Kennett, M. Flaugher, S. Hall, D. Moore, S. Franco-Clausen, M. Potter, K. Gill

NOES: None

ABSENT: None

ABSTAIN: None

Alex Kennett
Chairperson, Santa Clara Valley Open Space Authority

APPROVED AS TO FORM:

William P. Parkin
Legal Counsel

ATTEST:

Kellie Guerra
Clerk of the Board

Attachment A

2020 Expenditure Plan

The Open Space, Wildlife Habitat, Clean Water and Increased Public Access Measure Expenditure Plan

A. Summary

Since its creation in 1993, the Santa Clara Valley Open Space Authority (Authority) has protected over 26,000 acres of open space and natural areas, preserving the natural beauty and health of our area, and protecting our region's water resources, air quality, wildlife, and scenic views for residents today and future generations. Governed by a publicly elected board of directors, the Authority has used funds wisely, bringing in state, federal, and private grant money, and providing annual financial audits in a transparent public process.

B. Program Descriptions

1. Protect Open Space, Redwood Forests, Wildlife Habitat, Scenic Hillsides, and Agricultural Land

The purpose of this program is to permanently protect new open space and agricultural lands essential to completing connections in the region's park, open space, and habitat systems as identified in the Authority's Santa Clara Valley Greenprint, the County Parks Acquisition Plan, Santa Clara Valley Habitat Plan, Santa Clara Valley Agricultural Plan, Santa Clara County Regional Conservation Investment Strategy, and other adopted plans.

a. Ensure permanent protection of essential open space, water resources, and wildlife habitat. Areas for open space protection can include but are not limited to Baylands, East San Jose Foothills, Upper Alameda Creek Watershed, Coyote Ridge, Coyote Valley, Upper Coyote Creek Watershed, Southern Santa Cruz Mountains, Sargent Hills, Upper Pajaro River Watershed, Pacheco Creek Watershed. Protect, restore, and enhance critical habitat to implement the Valley Habitat Plan such as serpentine grasslands, wetlands, redwood forests, and riparian areas along creeks, rivers, and streams.
### Complete Text of Measure T-Continued

#### 2. Protect Land around Creeks, Rivers, and Streams to Prevent Pollution and Improve Local Water Quality and Supply

The purpose of this program is to protect and restore natural areas that buffer our rivers, creeks, and streams, including the Guadalupe River, Coyote Creek, Fisher Creek, Penitencia Creek, Upper Alameda Creek, Uvas Creek, Llagas Creek, Pacheco Creek, Pescadero Creek, and the Pajaro River to protect water supply, water quality, and enhance resilience to climate change.

- a. Protect clean, safe drinking water supplies by restoring and enhancing natural areas around local creeks, rivers, and streams from their headwaters in the hills to the Bay.
- b. Preserve key open space areas to enhance local water supply and recharge groundwater.
- c. Protect water resources, floodplains, wetlands, and riparian corridors.

#### 3. Open, Improve and Maintain Parks, Open Space, and Trails

The purpose of this program is to maintain existing open space preserves; safeguard the health of natural areas and wildlife habitat; reduce the risk of wildfires; provide more hiking and walking trails; and increase opportunities for environmental education experiences.

- a. Open and expand preserves on existing lands, including more trails for walking, hiking, and biking and more access points for residents. Develop science-based environmental education programs and facilities, trails, and other public access facilities in appropriate locations including East San Jose/Penitencia Creek/Milpitas Foothills, Coyote Ridge, Coyote Valley, Morgan Hill/El Toro Peak, Almaden Valley/Santa Teresa Hills.
- b. Construct new trails and close gaps in regional hiking and bicycle trails (such as the Bay Area Ridge Trail, San Francisco Bay Trail, Coyote Creek Trail, Juan Bautista de Anza National Historic Trail, and Guadalupe River Trail).
- c. Leverage public and private funding and coordinate protection efforts to complete critical open space preservation.
- d. Conserve the region’s last remaining farmland and rangelands in and around areas such as the Coyote Valley, Morgan Hill, San Martin, Gilroy, and Pajaro River to protect local food sources and address food security, reduce impacts of climate change, and maintain environmental benefits provided by agricultural lands including water supply, groundwater recharge, flood risk reduction, habitat protection, and climate resilience.
  - i. Conserve high priority farmland and rangelands through voluntary agreements with willing landowners.
  - ii. Provide grants to resource conservation districts (RCDs) and other agricultural organizations to work with farmers and ranchers to promote natural resource stewardship.

#### 4. Urban Open Space, Parks, and Environmental Education Program

The purpose of this Grant Program is to assist municipalities, schools, and applicable nonprofit organizations with projects within the cities of Milpitas, Santa Clara, San Jose, Campbell, Morgan Hill, and urban County areas to create healthy and safe open space and park areas for their communities by creating or improving parks, preserving open space, and maintaining or creating trails; enhancing and restoring habitat, natural resources, and water resources; and enhancing access to healthy food through urban farms and gardens.

No more than 25 percent of the revenues generated by this funding measure will be made available for this grant program. The Urban Grant Program would provide grants to cities, the County, schools, and nonprofit organizations on a competitive basis according to the Urban Open Space Project Criteria listed below. Funds shall be available through an annual grant allocation process designed by the Santa Clara Valley Open Space Authority, in coordination with cities, the County, schools, and non-profit organizations within the boundaries of the Authority. Grant allocations shall reward a diversity of projects, with the goal of achieving a reasonable geographic distribution across the Santa Clara Valley Open Space Authority’s jurisdiction. The grant allocation process and the individual projects shall be subject to approval by the Authority’s Governing Board of Directors (“Board”).

**Urban Open Space Project Criteria:**

- a. Protect and enhance open space and wildlife habitat, creeks and streams, and develop land for nature-based parks, open space preserves, trails, and greenbelts in urban areas.
- b. Create, develop, and implement pedestrian and bicycle trail connections to connect urban communities to local and regional parks, open space preserves, creeks and

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**COMPLETE TEXT OF MEASURE T-Continued**

- c. Reduce the risk of wildfire near communities, protect air and water quality, and control invasive, non-native weeds through vegetation management in coordination with fire districts, cities, and the County.
- d. Provide safe, well-maintained open space preserves and recreational trails, with connections to the Bay Area Ridge Trail, San Francisco Bay Trail, Guadalupe River Trail, and Coyote Creek Trail.
- e. Work with qualified organizations and entities, including, but not limited to, the California Conservation Corps, the San Jose Conservation Corps, AmeriCorps, and others to maintain facilities in open space preserves including, but not limited to, cultural and historic structures, bridges, roads, and other infrastructure.
- f. Prevent pollution and vandalism of open space, water resources, and wildlife habitat.
**COMPLETE TEXT OF MEASURE T-Continued**

flood control channels, to improve public health (e.g., San Francisco Bay Trail, Bay Area Ridge Trail, Coyote Creek, Guadalupe River, Silver Creek, Thompson Creek, Penitencia Creek, Three Creeks Trail, Five Wounds Trail).

c. Implement urban tree planting and tree protection/maintenance.

d. Create and expand urban farms and community gardens to support public health and local agriculture.

e. Expand nature and science-based environmental education programs and youth engagement projects.

**EXAMPLES OF PROJECTS THAT COULD POTENTIALLY BE FUNDED BY THE MEASURE INCLUDE BUT ARE NOT LIMITED TO:**

1. Alviso Adobe and Higuera Adobe Parks: Establish Alviso Adobe as a historical museum, and refurbish the historic Caretaker's Cottage in Higuera Adobe Park in collaboration with the City of Milpitas.

2. Calera Creek Connection: Partner with City of Milpitas to connect the Bay Area Ridge Trail to the Higuera Adobe via a proposed Calera Creek Trail.

3. San Francisco Bay Trail: Increase public access by closing gaps in Bay Trail walking and biking trail connections.


5. San Francisco Bay Area Water Trail: Provide Water Trail public access amenities at Alviso Marina.

6. Ulistac Natural Area: Increase educational programming and restore natural habitat.

7. Sierra Vista Open Space Preserve: Expand trail system and connections to regional trails, restore ponds and wildlife habitats for endangered species.

8. BART/Penitencia Creek Trail Connection: Complete trail linking Berryessa BART station via Penitencia Creek to Alum Rock Park and Sierra Vista Open Space Preserve.

9. Guadalupe River Nature Center and Environmental Programming: Partner with nonprofits to establish outdoor environmental education learning center and expand interpretive programming for youth and families.

10. Five Wounds Trail: Acquire right of way to develop new trails connecting Coyote Creek Trail to Berryessa BART station in coordination with City of San Jose, County Parks, and Valley Transportation Authority.

11. Coyote Creek Trail: Expand walking and biking trail connections and restore natural habitats, including connections to Coyote Valley.

12. Silver Creek Trail: Increase walking and biking opportunities by creating connections to regional trails, parks, and transit.

13. Three Creeks Trail: Complete eastern trail alignment.

14. San Tomas Aquino/Saratoga Creek Trail: Construct walking and biking trails through cities of Campbell and Santa Clara.

15. Thompson Creek Trail Improvements: Complete walking and biking trail improvements.


17. Martial Cottle Park: Partner with County Parks to enhance trail connections to Blossom Hill Light Rail Station and implement recreation, farm demonstration, and wetland restoration projects.

18. Santa Teresa Foothills: Partner with City of San Jose, County, and Santa Teresa Foothills Neighborhood Association to protect land and develop regional ridgeline trail connection to local and regional parks and open space.

19. Coyote Ridge Open Space Preserve: Open new public trailhead and parking area with connections to Bay Area Ridge Trail, regional trails, and protect and restore additional open space and habitat for endangered species.

20. Coyote Valley Open Space Preserve: Build trail accessible to seniors and people with disabilities, expand protected areas and trail system, and restore and enhance wetland and endangered species habitat.

21. North Coyote Valley Conservation Area: Expand protected areas and create a regionally significant preserve system that includes wildlife movement corridors, enhanced floodplains, restored wetlands and habitats, public trails and nature-based recreational amenities, environmental education programs, and agritourism.

22. Youth Agricultural Education and Demonstration Farm: Partner with cities, schools, nonprofits, and agricultural organizations to establish an agricultural education and demonstration farm in the Coyote Valley Greenbelt.

23. Rancho Cañada del Oro Open Space Preserve: Restore wildlife habitat, expand educational opportunities, and construct new public access amenities and trail connection to Blair Ranch.

24. El Toro Peak: Partner with City of Morgan Hill to establish an open space preserve with staging area and trails, and restore natural habitat.

25. Southern Santa Cruz Mountains: Establish regional trail connections between Uvas Reservoir, Uvas County Park, and Rancho Cañada del Oro Open Space Preserve, develop new staging area, protect wildlife corridor, and manage wildland-urban interface for fire safety.


27. Diablo Foothills: Enhance public access with new staging area and trails, restore grasslands, wetlands, and wildlife habitat.

28. Sargent Hills: Protect wildlife corridor, create staging area, public access and regional trail connections to the Bay Area Ridge Trail.

29. South County Agriculture: Conserve working farms and ranches near Morgan Hill, San Martin, and Pajaro River for greenbelts and agricultural viability and to enhance flood control, water quality, wildlife habitat, and connectivity.
In order to ensure accountability, transparency, and public oversight of all funds collected and allocated under this Measure and to comply with state law, all of the following shall apply:

a. 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 in compliance with Government Code Sections 50075.1(d), 50075.3.

b. The Independent Oversight Committee created in 2015 to review the expenditures of all parcel tax revenues collected under Measure Q shall continue to review the expenditures of all parcel tax revenues collected under this Measure. The resolution the Board adopted on April 23, 2015 to govern the terms, composition, and specific duties of the Oversight Committee shall continue to govern the Oversight Committee, unless amended, and any such amendments shall be consistent with the “Citizen Oversight and Independent Financial Audits” provisions set forth in this Part C(1). The Oversight Committee will consist of seven at-large members. In making appointments to the Oversight Committee, the Board will seek to reflect the demographic diversity of its jurisdiction.

c. Members of the Oversight Committee shall be appointed by the Board and shall be residents within the Santa Clara Valley Open Space Authority’s jurisdiction who are neither elected officials of any government, nor employees from any agency or organization that directly benefits financially from the proceeds of the parcel tax.

d. Oversight Committee meetings will be announced in advance and will be open to the public. The Oversight Committee shall meet at least once but no more than four times per year.

The responsibilities of this Committee include:

- Reviewing Plan expenditures on an annual basis to ensure they conform to the Plan.
- Reviewing the annual financial audit and report prepared by an independent financial auditor and submitting its recommendations and oversight report thereon.

2. Additional Allocation Criteria and Community Benefits

The Authority shall ensure that the revenue generated by the Measure is spent in an efficient and effective manner, consistent with serving the public interest and in accordance with existing law and this Plan.

a. The Authority shall make all final decisions regarding implementation of the Plan and funding for any specific project. The Board shall give priority to projects within its jurisdiction that meet multiple objectives of the Santa Clara Valley Greenprint, including one or more of the following objectives:

i. Have a significant positive effect on the health of land, water, and wildlife habitat, safety, and quality of life for residents within the Authority’s jurisdiction.

ii. Provide for geographic distribution of projects across the Authority’s jurisdiction.

iii. Increase impact by leveraging state and federal resources as well as public/private partnerships.

iv. Strengthen connections between communities and open space through regionally-significant trails and transit access.

v. Benefit the economy, sustainability, and climate resiliency of the region by investing in nature-based infrastructure and local workforce development.

vi. Engage youth and young adults in local workforce development and assist them in gaining skills and experience related to protection and stewardship of the natural environment, wildlife, water resources, and agricultural lands.

b. The Board shall conduct one or more public meetings annually to gain public input on selection of project grants to expend revenues generated by the Measure.

c. The Santa Clara Valley Open Space Authority may accumulate revenue over multiple years so that sufficient funding is available for larger and long-term projects. All interest income shall be used for the purposes identified in this Plan.

d. Revenue generated by this measure and provided to the Santa Clara Valley Open Space Authority may also be used for such administrative expenses as the Board
**COMPLETE TEXT OF MEASURE T-Continued**

determines are reasonable and necessary through its annual budget process or other appropriate mechanism.

e. Costs of performing or contracting for project-related work shall be paid from the revenues of the measure and allocated to the appropriate purpose and project.

f. An annual independent financial audit shall be conducted.

g. To the extent permitted by law, up to one-tenth of one percent (0.1%) of the gross proceeds of the parcel tax shall be made available for the Oversight Committee’s activities.

h. Parcel tax proceeds are intended to augment annual support for the Authority and do not substitute for individual city or County obligations. Monies from this program may not go to a city’s or the County’s "General Fund."


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**ARGUMENT IN FAVOR OF MEASURE T**

Vote YES on T to protect our natural open spaces in Silicon Valley.

Open space is an important resource for everyone in our community, no matter their background or income level. It has been so important to have access to open space for walking, hiking, biking and enjoying nature during the COVID-19 shelter-in-place orders.

Now, more than ever, we need to make sure that our local open spaces stay protected and accessible.

Your YES vote makes sure we can continue to enjoy access to trails, improved air quality, and the beautiful views that open spaces provide—ensuring that our children and grandchildren can go outside and enjoy the natural beauty and open space we have today.

**Measure T does not increase taxes.**

Measure T will continue to protect our last remaining open spaces and hills against development and make sure they remain open to the public and don’t become office buildings and parking lots.

**Vote YES: Help Protect Natural Open Spaces**

- Continue to enjoy access to trails, improved air quality and open spaces
- Manage land to reduce wildfires and floods
- Prevent pollution and improve water quality by protecting lands around creeks, streams, and rivers
- Protect natural areas and preserve wildlife habitats
- Preserve local family farms and healthy food sources

Not one dollar from Measure T can be taken away by the state, all funds must be spent locally to preserve open spaces in Campbell, Milpitas, Morgan Hill, San Jose, Santa Clara and unincorporated Santa Clara County. An oversight committee and annual audits will ensure all funds from Measure T are spent as promised.

Please join environmental, business, labor, agricultural, health, education and other community leaders in voting **YES on Measure T**!

Learn more: FriendsofSantaClaraValleyOpenSpace.com

Carol M. Watts
President, League of Women Voters of San Jose/Santa Clara

Daniel J. Alvarado
Fire Captain (Ret.) San Jose Fire Dept.

Michele Lew
CEO, The Health Trust

Ash Kalra
CA State Assembly Member

Mary Patterson
Governing Board Member, Morgan Hill Unified School District
### REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE T

Local communities are currently devastated by the government shutdown of the economy because of the COVID 19 pandemic crisis. So, the solution is to raise taxes???

Low-and middle-income earners and the unemployed cannot afford to add a regressive parcel tax at this time, let alone one scheduled to last forever.

The pandemic has many people wondering if they can pay their next mortgage payment, which includes every other parcel tax they pay. And renters, via their landlords’ rent, indirectly also pay every property tax, levee, and fee placed on private rental property. **No one escapes property tax hikes, no one.**

More open space means less room for housing. Less room for housing means the demand for available land on which to build housing becomes scarce, which in turn drives up the price of land and obviously the housing built on that land.

The bottom line is open space is making the homeless situation worse, and it is also driving up the price of rental units (apartments, condos, houses).

**The real cost of that $24 annual parcel tax is thousands more.**

Over 1.5 million Californians have left the state in the last decade, primarily due to the extremely high cost of living here.

This **November election has over $5,000,000,000 worth of tax increases** on the ballot for Santa Clara County and billions more statewide.

Taxes are killing California by driving businesses and those that they employ out of state.

**Just say NO to regression parcel tax, Measure T.**

www.SVTaxpayers.org

Mark W.A. Hinkle  
President: Silicon Valley Taxpayers Association

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### ARGUMENT AGAINST MEASURE T

Open space is a wonderful idea when times are good, jobs are good, housing is plentiful, and land is cheap; however, our local communities are currently devastated by the government shutdown of the economy because of the COVID 19 pandemic crisis.

Low-and middle-income earners and the unemployed cannot afford to add a regressive parcel tax at this time, let alone one scheduled to run forever.

The pandemic has many people wondering if they can pay the next mortgage payment, which includes every parcel tax they pay. And renters, via their landlords’ rent, indirectly also pay every property tax, levee, and fee placed on private property. **No one escapes property tax hikes, no one.**

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Taxes are killing California by driving businesses and those that they employ out of state.

**Please vote no on the regression parcel tax, Measure T.**

For more information: www.SVTaxpayers.org

Mark W.A. Hinkle  
President: Silicon Valley Taxpayers Association
REBUTTAL TO ARGUMENT AGAINST MEASURE T

Here are the facts about Measure T:

- Measure T continues to provide access to outdoor activities that have become so important during COVID-19.
- Measure T does not increase taxes.
- 100% of Measure T funds stay in Silicon Valley.
- Measure T requires strict fiscal accountability including an oversight committee and annual audits that will ensure all funds from this measure are spent as promised.
- Building housing on land that is dedicated as open space is bad land-use policy. Housing should be built close to where people work. Paving over open spaces will only lead to more traffic and poor air quality. Measure T does not stop the production of housing or cause homelessness.
- Measure T is supported by individuals and organizations that reflect the diversity of Santa Clara County.

Measure T will protect and provide open space for everyone. It will allow us to:

- Continue to enjoy access to trails, improved air quality and open spaces
- Manage land to reduce wildfires and floods
- Prevent pollution and improve water quality by protecting lands around creeks, streams, and rivers
- Protect natural areas and preserve wildlife habitats
- Preserve local family farms and healthy food sources

Now is the time to vote YES on T for our children and future generations, to protect natural open spaces that are accessible to anyone no matter their background or income.

www.FriendsOfSantaClaraValleyOpenSpace.com

Sam Liccardo
Mayor, City of San José

Ahmad Thomas
CEO, Silicon Valley Leadership Group

Rod Diridon, Sr.
Former Chair, League of Conservation Voters

Lan Nguyen
Board President, Eastside Union School District

Megan Fluke
Executive Director, Green Foothills