

Midpeninsula Regional Open Space District

Strategic Plan



Preliminary Draft, Subject to Change

April 2012

MISSION

To acquire and preserve a regional greenbelt of open space land in perpetuity; protect and restore the natural environment; and provide opportunities for ecologically sensitive public enjoyment and education.

INTRODUCTION

The Midpeninsula Regional Open Space District (District) was created in 1972 when voters passed an initiative to preserve open space funded through property tax assessments. The District's purpose is to purchase, permanently protect, and restore lands forming a regional open space greenbelt, preserve unspoiled wilderness, wildlife habitat, watershed, viewshed, and fragile ecosystems, and provide opportunities for low-intensity recreation and environmental education.

The District works to form a continuous greenbelt of permanently preserved open space by linking its lands with other public parklands. The District also participates in cooperative efforts such as the Bay Trail, Bay Area Ridge Trail, and Skyline-to-the-Sea Trail, which are regional trail systems in the Bay Area that include District lands.

The District has permanently preserved over 60,000 acres of mountainous, foothill, and bayland open space, creating 26 open space preserves (24 of which are open to the public). The District covers an area of 550 square miles and includes 17 cities (Atherton, Cupertino, East Palo Alto, Half Moon Bay, Los Altos, Los Altos Hills, Los Gatos, Menlo Park, Monte Sereno, Mountain View, Palo Alto, Portola Valley, Redwood City, San Carlos, Saratoga, Sunnyvale, and Woodside) over San Mateo, Santa Clara, and a portion of Santa Cruz Counties.

Funding is provided by a small share of the annual total property tax revenues collected within District boundaries. This amounts to about 1.7¢ per \$100 of assessed property value, which currently provides approximately \$28.xx million in tax revenue (2011-12 fiscal year). Other revenue sources may include federal and state grants, interest and rental income, donations, and note issues.

THE FIRST 39 YEARS: A LEGACY

Land Preservation Legacy

The District strives to preserve open space in perpetuity. Together with partners, the District preserves the rural heritage and scenic beauty of the Santa Cruz Mountains, San Francisco Bayfront and San Mateo Coast.

When the District was established almost 40 years ago, its emphasis was on land purchases because there were few other organizations focusing exclusively on land preservation on the peninsula. Additionally, this strategy leveraged the opportunity to front-load conservation land purchase costs before property became too expensive. The District has been successful in

implementing this vision for the last 40 years, having protected over 60,000 acres of open space in three counties.

The District's Basic Policy was developed in 1999 to guide the District's activities and states that the highest priority is to acquire land to complete the greenbelt and protect natural resources. According to this Policy, public access will be provided gradually to ensure that the higher priorities of acquisition and resource protection are maintained. Further, to maintain a long range perspective with emphasis on the preservation, protection and careful recreational development of open space, the District produced a Master Plan in 1992 and Regional Open Space Study in 1998. As such, the focus has been on securing large undeveloped or sparsely developed parcels of land and gradually linking existing preserved lands as additional land becomes available. To more effectively accomplish its mission, the District coordinates and collaborates with regional preservation partners including other public agencies, nonprofit organizations, and even private parties. The use of public-private conservation partnerships has been critical to leverage public funds for land purchase and preservation.

Conservation highlights include:

- Protection of 34% of the San Gregorio Creek watershed, an important watershed for coho salmon and steelhead trout, including the 3,681 acre POST (Driscoll Ranch) property at La Honda Creek Open Space Preserve.
- Protection of the corridor west of Purisima Creek Redwoods Open Space Preserve consisting of over 1,300 acres of working lands, wildlife habitat and watershed, including the preservation of over 50% of the Lobitos Creek watershed.
- Preservation of the Peninsula's and South Bay's iconic ridgelines and mountaintops, including Mt. Umunhum and Black Mountain.
- Connecting public lands for people and wildlife with protected corridors between District, county and state parks, including the POST (Madonna Creek Ranch) addition to Miramontes Ridge Open Space Preserve connecting to Burleigh Murray State Park, and the POST (Loma Prieta Ranch) addition to Sierra Azul Open Space Preserve connecting to Soquel Demonstration Forest and Forest of Nisene Marks State Parks.
- Preservation of the stunning 1,047-acre POST (Mindego Ranch) at Russian Ridge Open Space Preserve as habitat for the fully-protected San Francisco Garter Snake and as a working cattle ranch.

To date, the District has expended approximately \$243,069,000 of public property tax dollars to preserve 60,795 acres of open space valued at over \$393,778,000. District taxpayer funds have been leveraged by land purchase grants totaling over \$43,160,000, and gifts of land valued at over \$62,508,000.

In order to ensure adequate funds are available for land preservation efforts, the District's Board of Directors (Board) established guidelines to govern budgetary spending and preserve a significant portion of the budget to fund land purchases. The guidelines limit the amount of tax revenue that can be spent on operating and capital expenses. For Fiscal Year (FY) 2011-12 these limits are 51% and 10.5% of annual property tax revenue, respectively.

The District has also utilized debt financing extensively to supplement tax revenue for land purchases to take advantage of opportunities to acquire large and significant properties. Over time, as the District has issued more debt, its debt service obligations have required an increasing proportion of the District's annual property tax revenue. For FY2011-12, debt service payments total approximately \$9.7 million, or 35% of projected property tax revenue.

In addition to the District preserving over 60,000 acres of land during this time, many other land conservation organizations have been established or become more active in the area including Peninsula Open Space Trust (POST), Sempervirens Fund, and Save the Redwoods League, as well as public agencies and others. As a result of the combined efforts of these various organizations, over 200,000 acres of land have been preserved or saved from development within the Santa Cruz Mountains.

When the District acquires new land, it also acquires the responsibility of managing that land. Land management responsibilities include a wide range of actions, from building and maintaining trails for public recreation to stewarding the natural resources found within the preserves. These topics are discussed in more detail below.

Natural Resource Stewardship Legacy

Stewardship of natural resources on District lands is guided by the District's mission statement that identifies both the need to protect the resources and to sustain them in perpetuity. The Resource Management Mission Statement states that "The District will protect and restore the diversity and integrity of its resources and ecological processes for the value to the environment and to people, and will provide for the use of the preserves consistent with resource protection."

Management of the complex and constantly changing ecosystems of District preserves: forest management and fire management; grassland management and conservation grazing; vegetation management; rare species management and recovery; water quality protection; and cultural resource management. A collection of Resource Management Policies has been developed and adopted by the District's Board of Directors to address the types of management actions the District uses and to guide staff in allocating resources to competing land management needs.

Through land preservation efforts, the District now manages 6 ranch properties encompassing over 5,000 acres that are grazed with cattle to manage the grassland resources, over 25 miles of streams identified as critical habitat for threatened steelhead trout, and over 60 lakes and ponds, many of which provide habitat for threatened California red-legged frog. Additionally, District lands encompass more than 40,000 acres of forested lands, including approximately 12,000 acres of redwood and mixed conifer forest and over 20,000 acres of oak woodlands.

Public Access and Education Legacy

The District provides public access to open space land for the community to enjoy, limited to what is appropriate to the nature of the land, consistent with ecological values and public safety. The open space preserves are generally kept in a natural condition in order to best protect the environment and wildlife habitat, and are developed with only the amenities needed to provide

public access for low-intensity recreation. Improvements may include gravel parking areas, restrooms, and signed trails for hiking, bicycling, and equestrian use.

The District offers 220 miles of hiking trails, ranging from easy to challenging terrain. Many trails are open to bicycles and horses. Leashed dogs are allowed on some preserves, including one off-leash area at Pulgas Ridge Open Space Preserve. The District also has a number of trails that are suitable for people with varying degrees of physical ability. These “easy access” trails are appropriate for visitors with wheelchairs, strollers, children, or for anyone desiring a less-strenuous open space experience.

The District’s volunteer programs provide an opportunity for individuals to contribute their time and energy to preserving and protecting open space lands by participating in a variety of ways such as educating and inspiring visitors, constructing and maintaining trails, and removing invasive, non-native vegetation.

The David C. Daniels Nature Center features imaginative displays that both children and adults can enjoy and the District’s *Spaces and Species* program for children is an award-winning, innovative environmental science education program offered at Skyline Ridge Open Space Preserve. Additionally, the District operates Deer Hollow Farm which is an educational center where visitors, school classes, and community groups can observe and participate in a working farm.

Currently, 58% of the District’s land is open to public recreational use. Patrol staff monitors both the open and closed areas of the preserves, responds to emergencies, educates preserve visitors, and performs basic maintenance activities.

CHANGING LANDSCAPE

As the District approaches its 40th anniversary, the environment in which it operates has changed dramatically from its founding in 1972. While the District already can be proud of its wonderful legacy, the challenge for the future is to keep moving forward over the next 40 years with a shared vision of preservation, stewardship, access, and engagement that:

- Preserves and interconnects the Peninsula and South Bay’s valuable natural resources.
- Helps communities protect places that are special, highlights their history, and retains or rebuilds their environmental sustainability.
- Adapts to the changing needs of visitors, communities, and partners.
- Extends the benefits of conservation across physical, social, political, and jurisdictional boundaries.

Land Preservation Challenges

The Peninsula and South Bay have changed dramatically since 1972. Most significantly, while the threat of large-scale urban development in the Santa Cruz Mountains has greatly decreased with more stringent zoning regulations from cities and county jurisdictions, the division of land into “mini-ranches” is still occurring, putting a strain on water resources, jeopardizing agriculture, diminishing scenic character and fragmenting natural habitats.

The central question facing land conservationists today is how to scale up efforts to protect entire landscapes and whole natural systems. Places like El Corte de Madera and Mt. Umunhum stand out, but like any part of a network, open space is healthier when interconnected. The challenge is to close gaps in the system of protected natural areas, interconnect regional trail systems so that it is easy for people to reach natural areas, and preserve essential wildlife habitat

Farmers and ranchers talk of the need to sustain a continuous network of working lands—a critical mass of agricultural activity—or risk losing the supporting businesses and community cooperation they require to survive. Fire fighters say that keeping remote lands undeveloped reduces the hazards and costs of firefighting for local communities. Biodiversity suffers when scattered rural development fragments habitat. Conservation biologists have long suggested that protecting bigger places will sustain more species, and conversely, that fragmentation of habitat into smaller islands is the leading cause of species decline and loss. Finally, a rapidly changing climate reinforces the need to protect large, connected ecosystems to be resilient over the long term.

Stewardship Challenges

The District has always maintained a focus on stewardship of the lands that have been purchased for public open space even though land preservation has been the principle focus. Thus, during the purchase process, new lands are assessed to determine immediate management priorities to protect the environment and human health and safety. However, the District's ability to implement all of the essential land management projects that are identified is limited by available staffing and financial resources, resulting in a land stewardship capacity that has not kept pace with its acquisitions. Likewise, the District's ability to open more lands to public access is limited for the same reasons.

As the District's land management responsibilities have increased, the District's staffing and financial resources to manage the lands and ensure public safety have been spread across a larger and larger area. Illegal marijuana cultivation has emerged as a critical threat to public land, for the District and other local, state, and federal partners.

This resultant strain on the District's land management capacity is compounded by the condition of purchased lands that often require significant remediation. Consequently, the District's backlog of deferred maintenance projects has grown substantially. Increasingly stringent environmental regulations have also contributed to the growing backlog as regulatory compliance projects necessarily take priority. Staff recently conducted a rough inventory of deferred maintenance and identified an estimated cost in excess of \$50 million.

Public Access and Education Challenges

One of the central challenges for public access to open space is equity: distributing open space fairly to all members of the public. Because people work and live primarily in urban areas, transportation to preserved lands becomes a limiting factor for some. Further, people are finding it difficult to reconnect with nature in a virtual age, and open space suffers from lack of relevancy. The author of [*Last Child in the Woods*](#), Richard Louv, has sparked a national debate

about reconnecting kids and nature. However, when asked, people express a strong desire for places to participate in healthy recreation in open space, and build a sense of community engaged with open space.

The District relies on its city and county partners to provide local physical connections via pedestrian and bicycle networks to our open space preserves. At the District's more remote preserves, terrain and physical characteristics preclude public access. Even where compatible with adjoining land uses, public staging and trail facilities are often expensive to develop.

Financial Challenges

The District has benefitted from a stable and plentiful revenue stream from a dedicated share of property tax assessments. These revenues have historically risen over time; in fact, the District has enjoyed above average growth in property tax revenues due to its location within one of the highest growing housing markets in the county. However, after almost a decade of annual increases averaging 7%, FY 2009-10 tax revenues were flat from the prior year as a result of the economic downturn and projections for the next few years predict flat or minimal growth. This reduction in tax revenue increases and a projected continued lack of growth in these revenues presents a significant issue to the District's financial model. Traditionally, growth in the District's staffing and funds to cover land stewardship and public access projects was realized through the increases in tax revenues. Without increases in tax revenues, the District's ability to add staff and funds for new land management and to address deferred management projects cannot meet the demand.

At the same time, operating (largely staffing) and capital costs continue to rise as a result of increasing retirement and insurance costs, project costs, and regulatory requirements. In addition, the District's ability to continue to purchase land through bond financing will be severely constrained starting in the next 4-6 years, and will continue for 20 years, as the District approaches its debt capacity.

These two factors have significant implications for the District. First, as discussed above, current debt service totals 35% of District property tax revenue, operating expenses are 51%, and capital expenses are 8% for a combined total of 94%. As identified above, additional revenues traditionally were available through annual increases in property tax revenue. However, without these increases, only 6%, or approximately \$1.7 million, is available for increases in discretionary expenses such as staffing, stewardship, or capital projects. This amount of money is inadequate to address the District's projected land management needs.

Second, once the District reaches its debt capacity it will no longer be able to borrow additional funds to finance property acquisition. Without the ability to use debt financing, the District's land purchases would be limited to no more than 200 acres annually which, over 20 years, would total only 4,000 acres of new property.

If the District is to continue to purchase land for open space preservation, increase its land stewardship activities, and open more land for public access, it will need to increase and/or diversify its revenues.

STRATEGIC PLANNING PROCESS

Given the significant changes in the regional land conservation participants and their efforts, combined with the projected reduced ability to purchase land and adequately address its resource management needs, in 2010 the District embarked on developing a Strategic Plan to address these challenges.

As the District explored development of a strategic plan, it was looking for a process that would not be overly cumbersome and time-consuming and would allow for flexibility and customization to the District's culture and goals. After researching several options, the District decided to utilize the methodology outlined by David La Piana in the book *The Nonprofit Strategy Revolution: Real-Time Strategic Planning for a Rapid Response World*. This method was a good fit for the District, providing tools to understand who the District is and what it does, yet provided the flexibility to adapt the process to best fit the organizational culture and needs. What follows is a description of those tools, processes, and outcomes.

As a first step, the District established the Strategic Plan Ad Hoc Committee, made up of three Board Directors, and the Strategic Plan Working Group, which was comprised of 10 employees from all departments and different levels in the organization, as well as the department managers. The strategic planning process was employee-driven, through the Working Group, and information and recommendations were presented first to the Ad Hoc Committee and then to the full Board.

In July 2010, the District kicked off the strategic planning process at a Board workshop where staff presented an overview of the proposed process, the suggested format of the Strategic Plan, and the deliverables from the process. In October, the Board met again to develop the District's Identity Statement, Strategy Screen, and Big Questions, which are described below. After the Board's initial input at the October Workshop, staff and the Strategic Plan Ad Hoc Committee were tasked with compiling and finalizing all of the information, which was completed in April 2011. These documents are included as Attachments to this document.

STRATEGIC PLANNING TOOLS

Identity Statement

The Identity Statement (Attachment 1) captures the essence of who the District is through the following seven components:

1. Mission – succinct statement of the District's mission, its reason for existence.
2. Impact – what the District is aiming to accomplish in fulfillment of the mission.
3. By Serving – who the District considers to be its "customers."
4. In – the geographic area in which District services are provided.
5. Through – what "services" are provided by the District.
6. Differentiating Strengths – what attributes the District possesses that set it apart from other similar organizations.

7. Revenue Sources – the financial revenue and in-kind contributions that sustain the District and enable it to fulfill its mission.

Strategy Screen

The Strategy Screen (Attachment 2) is essentially a discussion guide comprised of a list of criteria that will assist with consistent decision-making and priority-setting based on what is most important to the District. The proposed District Strategy Screen frames the evaluation of strategic options around the following contexts:

1. Best way to achieve Mission
2. Are we the best-suited organization?
3. Opportunity cost and consequences of no action
4. Capacity and sustainability
5. Benefits, impacts, and tradeoffs
6. Differentiating Strengths

Big Questions

“A Big Question is an opportunity or threat to which the organization must respond. Usually, it is beyond the scope of the organization’s strategies, thus requiring a new strategy.” (La Piana, 2008) Big Questions (Attachment 3) generally fall into one of three categories:

1. An opportunity to do something new or expand an existing program or service.
2. It may be a threat or barrier negatively impacting the organization’s current activities.
3. It may be a business model challenge that affects the entire industry.

Partner Outreach

A critical part of the District’s strategic planning process was sharing its draft Identity Statement with District staff and selected partner agencies: Peninsula Open Space Trust (POST), San Mateo County Parks, Santa Clara County Parks, California State Parks, and the City of Mountain View. The Identity Statement presents how the District sees itself and, through the partner outreach, the District received feedback on how others see it. With partner and staff input, the District’s Identity Statement was refined to provide more clarity, accuracy, and conciseness.

VISIONING AND STRATEGY DEVELOPMENT WORKSHOPS

During April, May, and June 2011, a series of Board Workshops was held to determine what the District’s vision and long-term goals are and then to develop strategies to accomplish those goals. The culmination of those efforts was a full-day Board and staff Workshop on June 10, 2011 with two objectives: first, to reach agreement that the outcomes and quality standards discussed in the workshop will best fulfill the District’s mission; and, second, to develop roadmaps to move forward on the strategies recommended by staff at the May 25 Board meeting. The June 10 session ended with a unanimous Board decision that was based on staff’s recommendation:

“We will continue to purchase land but we will elevate the other two key parts of our mission – protecting and restoring our lands and providing public access and education – to provide a better balance in our implementation of the District’s overall mission.”

The rest of this document presents the goals and strategies the District will pursue in order to recommit to the outstanding stewardship and public enjoyment of a network of interconnected preserved lands, in a more balanced approach.

STRATEGIC PLANNING PROCESS OUTCOMES

Re-Affirm Mission

To acquire and preserve a regional greenbelt of open space land in perpetuity; protect and restore the natural environment; and provide opportunities for ecologically sensitive public enjoyment and education.

Long-Term Vision and Desired Outcomes

The current effects of rural land development in the Santa Cruz Mountains and the tension between the need for further land conservation, stewardship and engagement work compared to the funding shortfall clearly demonstrate that the Midpeninsula Regional Open Space District needs a new approach to conservation that is good for nature and for people. That is, a region-wide approach that promotes systematic thinking about the planning and protection of an integrated green space network including natural resources, public recreation, working landscapes, and other private open spaces. These new strategies need to meet the challenges and effectively take advantage of the opportunities to close the gaps in the preserved conservation network within District boundaries, and address the threats to natural open space resources, agriculture, and rural character at the landscape-scale.

Consequently, the District developed an overall desired outcome for accomplishing the Mission as follows:

Implement the entire mission well, ensuring balance between its three components: regional open space greenbelt preservation, protect and restore the natural environment, and public access and education.

The mission-related outcomes and quality standards below are what it looks like when the District implements its mission well.

Regional Open Space Greenbelt Preservation

1. The protected lands network is expanded, enhancing biodiversity, climate change resilience and scenic, rural character.
2. Priority watersheds are protected and carefully stewarded, whether in public or private ownership.
3. Preserved lands are linked for habitat and people: more land is conserved and linked together across ownerships and political boundaries.
4. Conservation efforts support working farms and ranches, whether in public or private ownership, and protection complements pre-existing land-based livelihoods.

Protect and Restore the Natural Environment

1. Focused water quality management efforts are underway for all priority watersheds.
2. Sensitive species and their habitats benefit from our management efforts.
3. Wildfire is managed to become a more natural component of the ecosystem, and minimizes negative effects on the community and environment.

4. The preserved lands network connects habitats and supports a diverse array of native plants and animals.
5. Cultural resources are protected.

Public Access and Education

1. Public access to preserved land is increased, and is balanced region-wide.
2. Preserve trails are linked to other regional trails, and ultimately to the places where people live and work.
3. Preserve visitors are educated about natural and cultural resources, and the benefits of open space.
4. Preserves are safe, clean, and inviting for healthy exercise and enjoyment.
5. Communities are involved and engaged in conservation outcomes.

Goals / Strategies

These strategies are not intended to cover the full breadth and scope of the work the District and its partners accomplish. Rather, we must continue the great work happening every day across the organization while transforming the organization to meet the changing needs of our stakeholders. The heart of this strategic plan includes three broad themes supported by specific goals to move us towards these outcomes and quality standards. It is important to note that these goals are interrelated and must be implemented concurrently in order to be successful.

1. Increase collaboration with other land conservation organizations and work toward a common conservation vision

Coordinate our activities with other regional conservation organizations to leverage resources; provide a unified, consistent approach; and maximize our effectiveness on the peninsula.

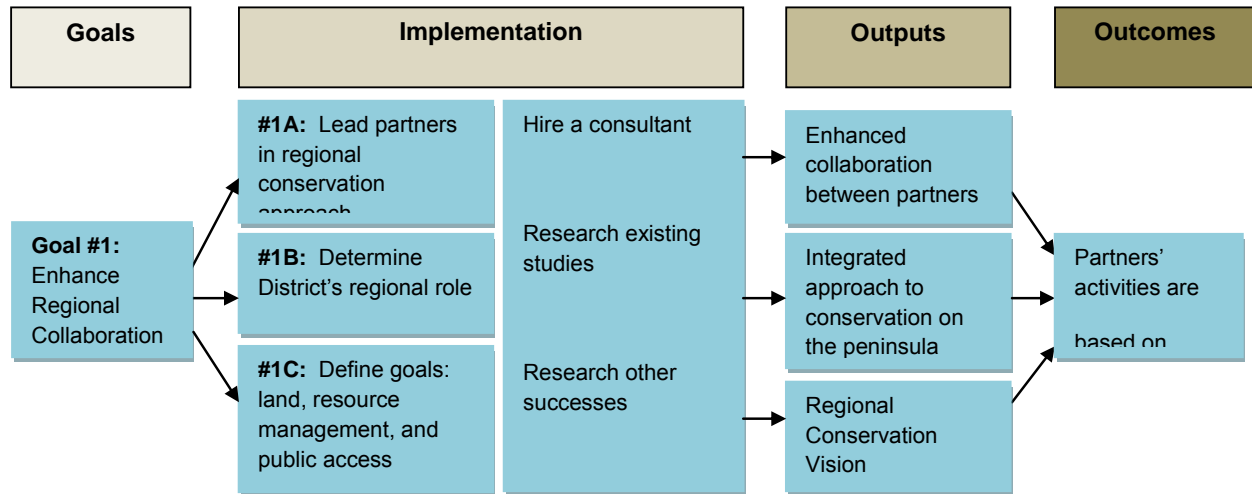
2. Evaluate and garner public support for regional conservation vision

Increase outreach to our constituents to ensure that they support the creation of a regional vision of land conservation and develop a more comprehensive program to communicate with the public.

3. Increase District financial and staffing resources to fund the whole mission and increase natural resource management and public access

Increase our revenues, diversify our funding sources, and increase staffing in order to be successful in creating greater balance between the three parts of our mission.

GOAL #1: Enhance Regional Collaboration – Coordinate our activities with other regional conservation organizations to leverage resources; provide a unified, consistent approach; and maximize our effectiveness on the peninsula.



The District’s mission centers on the vision of a network of preserved natural open space lands for the San Francisco Peninsula and South Bay. Together, the District and its public and private partners have preserved an extensive network of regional trails, wildlife connectivity, and have established an edge to outward urban expansion along the Santa Cruz Mountains and San Francisco Bay front. Nonetheless, further conservation and stewardship work is still needed to improve the network of conserved lands, trails, and habitat to meet biodiversity goals, create better habitat connectivity, build climate change resiliency, and better connect open space to the places that people live.

Regional conservation and stewardship efforts are inherently collaborative. Numerous organizations are working with the same broad goals and focusing on the same geographic area; as such, they should work together to interconnect regional trails and create a network of connected lands. These broad conservation goals need to be looked at as a whole rather than as isolated pieces that individual agencies independently accomplish.

The regional “ecology” of conservation organizations in the San Francisco Bay Area is extremely robust, with numerous governmental agencies and non-profit organizations covering a wide spectrum of regulatory, advocacy, and stewardship roles. Private non-profit land trusts and foundations have recognized the value of combining forces on region-wide conservation initiatives that leverage the strengths of each and accomplish more than any one organization could accomplish alone.

Goal #1 is comprised of two important and distinct components which would need to occur concurrently: enhancing collaboration and synergy with other land conservation organizations, and developing a regional open space vision.

Enhancing Collaboration

Although the District has historically partnered with other park/conservation agencies and organizations, there is an increased need, and benefit, to focus and expand these regional

collaboration efforts. Every organization has unique strengths and core competencies that make them successful. By working together, with each organization focusing on its core competencies, duplication of efforts can be avoided and conservation can be achieved most efficiently and effectively through leveraging the strengths of each organization.

Developing a regional vision

Creating a regional open space vision in collaboration with partners would help define priority conservation, stewardship, and recreation goals for the region. Clearly defining these goals and collaborating regionally to achieve them will increase the beneficial impact that conservation organizations, including the District, have on the Peninsula and South Bay. This strategy entails preparing an Open Space Vision Plan (Plan) that would address the need for integrated conservation programs, policies and projects, and the need to move beyond jurisdictional boundaries to better coordinate regulatory, policy, and protection efforts. Development of this Plan would need to be accomplished within the timeframe of one year and would likely entail significant consultant support to collect existing studies, facilitate the various partner organizations in identifying regional priorities and goals, and produce a document reflecting these goals.

The Open Space Vision Plan would:

- Be a science- and community-informed document that recommends strategies and priorities for land conservation, resource stewardship, and recreational access on the San Francisco Peninsula and South Bay.
- Serve as a strategic tool and resource for the District and its conservation partners to make informed conservation choices and investments; enhance cooperation and coordination; accelerate the pace and effectiveness of conservation and stewardship; and better position the region for federal, state, local, and private funding for land protection, resource stewardship, and recreational access.
- Be an adaptive document that would be updated over time as conditions and needs change.
- Address District obligations under the LAFCO Conditions of Approval for the Coastside Service Plan by informing the update to the District's Regional Open Space Study and Master Plan.
- Form the backbone of a potential funding measure by identifying the shared priorities of regional significance that the District, its partners, and the local communities wish to see implemented.

Making the open space vision and goals a reality can better be accomplished by a collaboration of organizations rather than a single organization working alone. Collaboration—among conservation partners, local government, non-profit organizations, landowners, community members and other District-wide stakeholders—is integral to the success and sustainability of long-term land conservation on the Peninsula.

Funding for the regional vision effort would likely be drawn from multiple sources, so that one organization is not overburdened. Direct costs to the District and staffing needs have not yet been estimated.

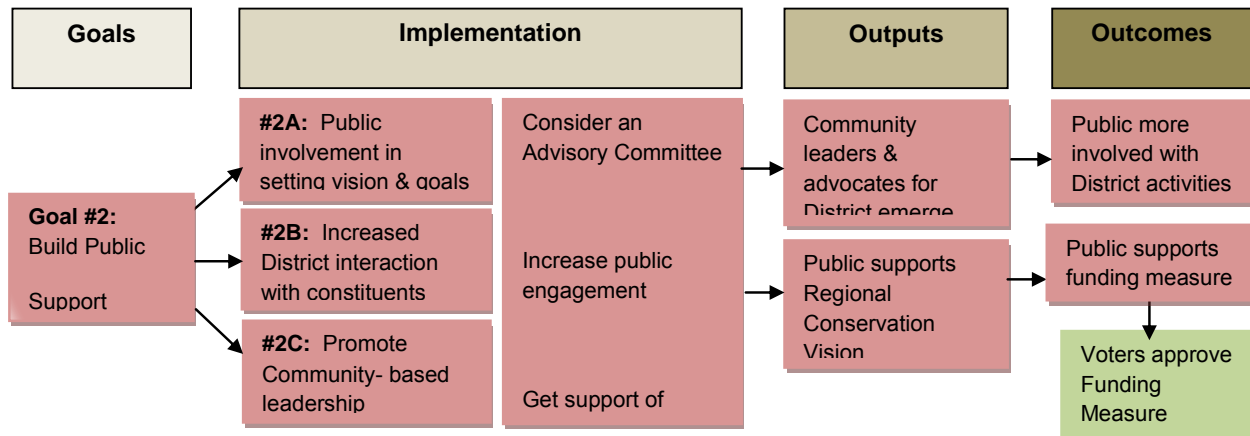
No single approach or activity will fully accomplish this goal, rather, multiple strategies need to be employed that, at a minimum, will include:

- A. Engaging and leading partner organizations in regionally coordinated approach.
- B. Determining the District's role in the regional context, and integrating these efforts with partner organizations.
- C. Working with partners to define regional land conservation, resource management and public access needs, vision and goals.

The District would perform specific activities to implement these strategies, including:

1. Hire a consultant to assist with the development of an Open Space Vision Plan and help coordinate its associated activities.
2. Research examples of similar regional conservation efforts that have been successful and identify what has already been completed in order to utilize lessons learned from similar efforts and estimate potential District costs and staffing needs
3. Identify partners, including traditional partners (Park agencies, non-profit conservation organizations), but also including non-traditional partners (sustainable communities, transportation, health care) and consider partnerships with entities that operate outside District boundaries to support long-term sustainability of conservation efforts within our boundary to avoid being an "island". Organize initial meetings with partners to determine current activities and establish an understanding of existing conservation visions / plans. This may include hosting a Partner Symposium and encouraging other conservation organizations to share their plans and vision to clarify shared goals
4. Prepare a collaborative, community-informed Open Space Vision Plan which defines the scale and desired outcome of the effort; defines the region that the public access and conservation vision covers; uses a science-based GIS approach as a decision support tool; and includes input from the public and partners to identify regional goals. Using this information, conservation, stewardship and recreational access needs will be evaluated and prioritized.

Goal #2: Build Public Support – Increase outreach to our constituents to build their support for a regional vision of land conservation and develop a more comprehensive program to communicate with the public.



Starting with the District's establishment in 1972, the District has historically emphasized purchasing priority open space lands identified by the organization, with a secondary focus on land stewardship and operating the core system of open space preserves and trails. This focus on real estate transactions has been extremely successful; to date, the District has preserved almost 60,000 acres of critical open space land since the early 1970s, about 35,000 of which are now open to the public for low-intensity recreation. Overall, these and other preserved lands have established an edge to outward urban expansion along the Santa Cruz Mountains and San Francisco Bay front, contributing greatly to the region's quality of life. This greenbelt comprises a critical habitat corridor as well as a recreational trail system.

As discussed under Goal #1, private land trusts, organizations, and foundations have recognized the need to combine forces on region-wide conservation initiatives. Stimulating community participation and identifying public conservation, stewardship, and recreational access priorities could benefit the District, as well as its conservation partners, by building support for land conservation in the community.

Goal #2 is comprised of two important and distinct components: developing a regional vision, and developing public support for this vision.

Developing a regional vision

Developing a regional conservation vision will provide a focus to engage District constituents and partners alike through the shared identification of conservation priorities both regionally (the greater San Francisco Peninsula and South Bay) and within the more narrowly defined District boundaries. This Open Space Vision Plan will be supported by scientific data on biodiversity, landscape connectivity, and other regional analyses and will be developed with public input. Additional discussion of the Open Space Vision Plan can be found under Goal #1.

Public outreach

The District has a specific focused mandate to protect and restore the natural environment and provide low-intensity public recreation opportunities across a multi-county jurisdiction that includes a large portion of the San Francisco Peninsula and South Bay. As a public agency formed by the voters, the District has a responsibility to engage and develop support for conservation within the region, and particularly within its boundaries. Therefore, the District is uniquely qualified to lead public engagement efforts within the San Francisco Peninsula and South Bay areas.

The basic concept for public outreach is to obtain broad-based public input and begin a dialogue that will highlight the specific need for protecting local natural resources. Additional discussion of the District's strategies to respond to financial challenges can be found in Goal #3.

The intent is to develop the conservation vision with public input and achieve a broad consensus among those who live in, work in, or visit the area, that the vision and its goals represent the path to a more prosperous and healthy future, and that implementing the vision is a worthy joint effort which the whole community can support, i.e. a common vision for a common future.

Increasing public participation in the conservation efforts of the District and partners will require an approach that has a broad appeal across all socio-economic sectors of the surrounding communities. No single approach or activity will fully accomplish this goal; rather, multiple strategies need to be employed that, at a minimum, will include:

- A. Active public involvement in visioning and goal setting, including polls and public workshops to assess public sentiment and support, and enhanced communication with the public.
- B. Increasing Board and staff interaction with constituents and the public to enhance District visibility.
- C. Promoting community-based leadership (e.g. Adopt-A Park, Friends of the District, grassroots supporters, etc.).

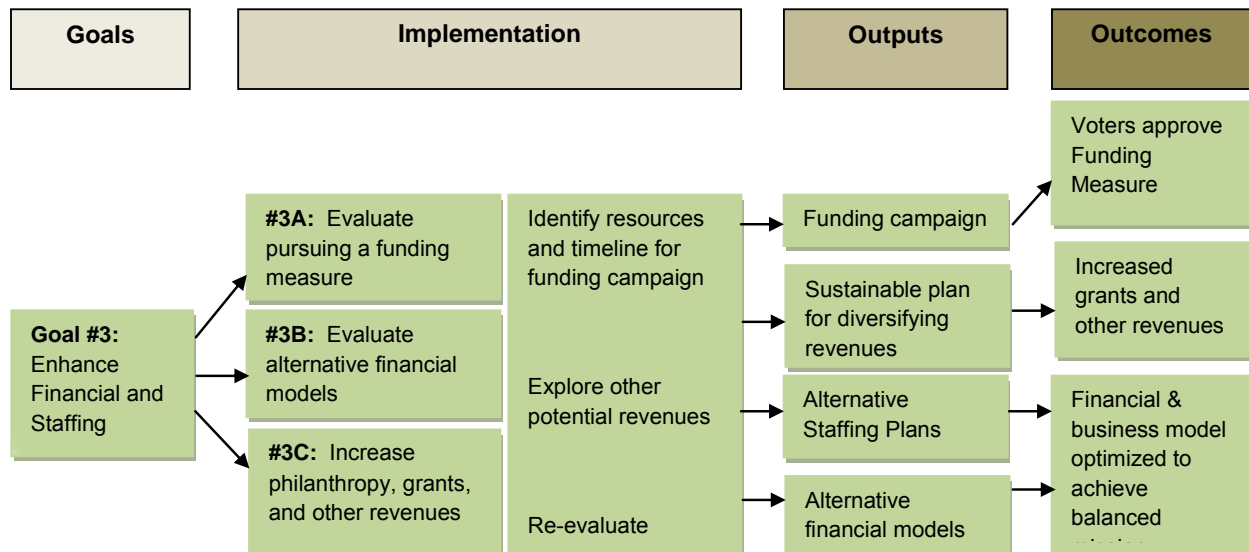
In order to achieve this goal, the District will need to defer nonessential projects and significantly reduce the number of major competing projects. Involvement by all Departments in public outreach and communication will be essential to its success.

The District would perform specific activities to implement these strategies, including:

1. Consider forming a diverse advisory committee comprised of representatives from the District, partner organizations, resource agencies, landowners, and community members to advise the team during the open space vision preparation.

2. Increase public engagement through District interactions with the public to initiate dialogue regarding the future of open space conservation and stewardship; reinforce and increase public awareness of importance of local open space to quality of life.
3. Work with opinion leaders such as academics, elected and appointed public officials, and the business community to build their support for local open space preservation.
4. Conduct stakeholder and community workshops which might include community-focused forums so that local opinions are heard and engaging the Peninsula and South Bay communities, to hear what they value the most about open space. Periodic polls would also be conducted to determine public sentiment around land conservation issues, core parts of the conservation vision and to measure the public's awareness and support of the District and its programs.

Goal #3: Enhance Financial and Staffing Resources – Increase our revenues, diversify our funding sources, and increase staffing in order to be successful in creating greater balance between the three parts of our mission.



Historically, the District has placed a primary emphasis on land acquisition, both through debt financing and direct cash outlays from reserves. Over time, as the District has issued more debt, the debt service obligations have required an increasing proportion of the District’s annual property tax revenue. For FY2011-12, debt service payments total approximately \$9.7 million, or 35% of projected property tax revenue.

As debt service has increased, combined with the operating and capital expenditure guidelines adopted by the Board, the proportion of usable funds available for operating expenses and resource management projects has declined. At the same time, resource management needs have increased substantially as has the public’s demand for increased access to our preserves. Responding to these challenges requires significant increases in staffing resources as well as increased funding for capital projects.

To date, the District’s funding model has relied on steadily increasing property tax revenue to support District growth. The current economic downturn, which has slowed the growth of this revenue source, combined with the District’s increased debt service obligations, has limited the funds available to address resource management and public access needs. In addition, the District’s ability to buy land will be severely reduced starting in the next four to six years. Based on current assumptions contained in the District’s financial model, the District will have just under \$1 million annually in un-earmarked tax revenue available for discretionary expenses, whether it is land purchases, resource management projects, or operating expenses. Overall, District expenses continue to rise at a faster rate than tax revenues and, as such, the District is at or nearing its limit of land stewardship capacity under the current financial model.

In order to continue to fund its mission and create balance between the three parts of the mission, the District has determined it needs to increase its revenues, diversify its funding sources, and

increase staffing. No single approach or activity will fully accomplish this goal, rather, multiple strategies need to be employed that, at a minimum, will include:

- A. Evaluating pursuing a tax or funding measure
- B. Re-evaluating the District's current funding model and carefully considering whether or not to issue new debt
- C. Evaluating increasing revenues from philanthropy (e.g., donations, estate planning, etc.), grants, and other potential revenue sources

The District would perform specific activities to implement these strategies, including:

1. Identify the financial and staff resources required to conduct a funding measure and clearly identify District projects that would be funded should a funding measure pass and the communities that would benefit.
2. Staff will explore other potential revenue sources such as additional grants, engaging non-profits in partnering on philanthropic initiatives, fees, corporate sponsors, higher yield investment accounts, etc. Additionally, when receiving gifts or purchasing land, determine whether ongoing maintenance costs can be covered by others
3. Based on the District's resource management and public access goals, evaluate the District's current business model to develop a staffing plan to achieve the goals and identify the infrastructure (e.g., staff facilities) needed to implement staffing plan.
4. Staff will work with the District Controller to evaluate alternative financing models and evaluate adjusting the Operating and Capital Budget Guidelines.

NEXT STEPS: HOW ARE WE GOING TO USE THE STRATEGIC PLAN?

To be completed after Board discussion.

IDENTITY STATEMENT

We advance our mission of:

To acquire and preserve a regional greenbelt of open space land in perpetuity; protect and restore the natural environment; and provide opportunities for ecologically sensitive public enjoyment and education.

And seek to:

- Form continuous systems of permanently preserved open space by linking with other public parklands and other natural lands;
- Protect places for sensitive, rare, threatened, and endangered species, enhance habitats, and preserve and connect key land and water corridors for wildlife movement and survival;
- Increase public accessibility to and knowledge of the interconnected regional preserve systems and their value, and appropriately balance public use with resource protection.

By serving:

Everyone who lives or works within the District's boundaries, or visits the District's lands.

Within:

The District's legal boundaries on the San Francisco Peninsula from south of Pacifica to Los Gatos, and from the Pacific Ocean to the San Francisco Bay.

Through:

- Regional open space preservation;
- Biodiversity preservation, stewardship, and connectivity;
- Low-intensity public access;
- Community environmental education and involvement;
- Open space conservation advocacy;
- Compatible agricultural uses of open space.

And emphasizing our differentiating strengths by:

1. A special purpose district created by the voters to actively conserve additional open space using the following essential tools:
 - **Dedicated funding** from the voters that allows the District to exercise consistent, patient leadership to

Definition of Open Space:

(Adapted from the District's Basic Policy)

- Land area that is allowed to remain in or return to its natural, wild state. Open space lands may include compatible agricultural uses.
- Protects areas of scenic beauty and rural character.
- Preserves natural habitats necessary to sustain plant and animal life, especially native and endangered species.
- Offers opportunities to the public for education, recreation, and renewal of spirit.
- Enhances public safety by preventing development of areas prone to landslides, earthquake damage, flooding, and wildland fires.
- Establishes boundaries for urban growth, and provides a respite from urban living.
- Improves the environmental health of the region and the health of its people through the protection of air quality, water quality, and physical exercise.

pursue an **interconnected regional open space system**, accomplished with public and private partners.

- **Essential, efficient and economical land stewardship** including intensive and focused restoration to critical locations.
 - **Stable property tax funding** coupled with skillful, **sustainable leveraging** of District financial resources.
2. Owning and managing a unique asset – the Preserves and the benefits provided by them for species and people.
- Low-intensity public access where appropriate and cost effective for an enjoyable **wildland experience**.

We are sustained by:

Primarily Property Tax Revenue (\$17 per \$100,000 of assessed real property value).

Also by:

- Grants
- Gifts
- Interest income
- Investment income
- Rental income
- Partnerships
- Volunteer services
- Excellent credit rating

STRATEGY SCREEN / DISCUSSION GUIDE

Best way to achieve Mission

- Are the actions and the expected outcomes consistent with our mission and our identity?
- Is it consistent with long-term success?

Are we the best-suited organization?

- Can others do this better?
- Is there a role for partner agencies?
- Are we the only one who can or will do this?

Consequences of action / no action

- Are we required to act by law, policy or other imperative or is action discretionary?
- What is the time sensitivity?
- If we wait to decide or act, what will be the consequences? i.e. will an opportunity be lost or a resource damaged if we fail to act?
- Will our action preserve future options to the extent possible?
- Do the long-term impacts outweigh the effort/action required?

Capacity and sustainability

- Is staff and management capacity adequate to absorb those impacts?
- Can we sustain the effort required?
- Can it be accommodated within the constraints of our long-term financial model?
- What is the most effective way to leverage our resources?

Benefits, impacts and tradeoffs

- Do the benefits outweigh the impacts (to public, organization)?
- What are the strengths/weaknesses?
- Do we need to consider tradeoffs; are we willing to make tradeoffs?
- Will this provide the District with the opportunity to develop new skills and capacities?

Differentiating strengths

- Does it build on and reinforce our differentiating strengths?
- Does it make best use of and conserve our tools? (Independence, vision, economical land stewardship, stable tax funding, creative leveraging of funds)
- Does the action increase public knowledge and awareness of the District (branding)?

GOAL

Implement the whole mission well:

- To acquire and preserve a regional greenbelt of open space land in perpetuity (land acquisition and preservation);
- Protect and restore the natural environment (resource management); and
- Provide opportunities for ecologically sensitive public enjoyment and education (public access and education).

MISSION-RELATED DESIRED OUTCOMES AND QUALITY STANDARDS

Regional Open Space Greenbelt Preservation

1. The protected lands network is expanded, enhancing biodiversity, climate change resilience and scenic, rural character.
 2. Priority watersheds are protected and carefully stewarded, whether in public or private ownership.
 3. Preserved lands are linked for habitat and people: more land is conserved and linked together across ownerships and political boundaries.
 4. Conservation efforts support working farms and ranches, whether in public or private ownership, and protection complements pre-existing land-based livelihoods.
-

Protect and Restore the Natural Environment

1. Focused water quality management efforts are underway for all priority watersheds.
 2. Sensitive species and their habitats benefit from our management efforts.
 3. Wildfire is managed to become a more natural component of the ecosystem, and minimizes negative effects on the community and environment.
 4. The preserved lands network connects habitats and supports a diverse array of native plants and animals.
 5. Cultural resources are protected.
-

Public Access and Education

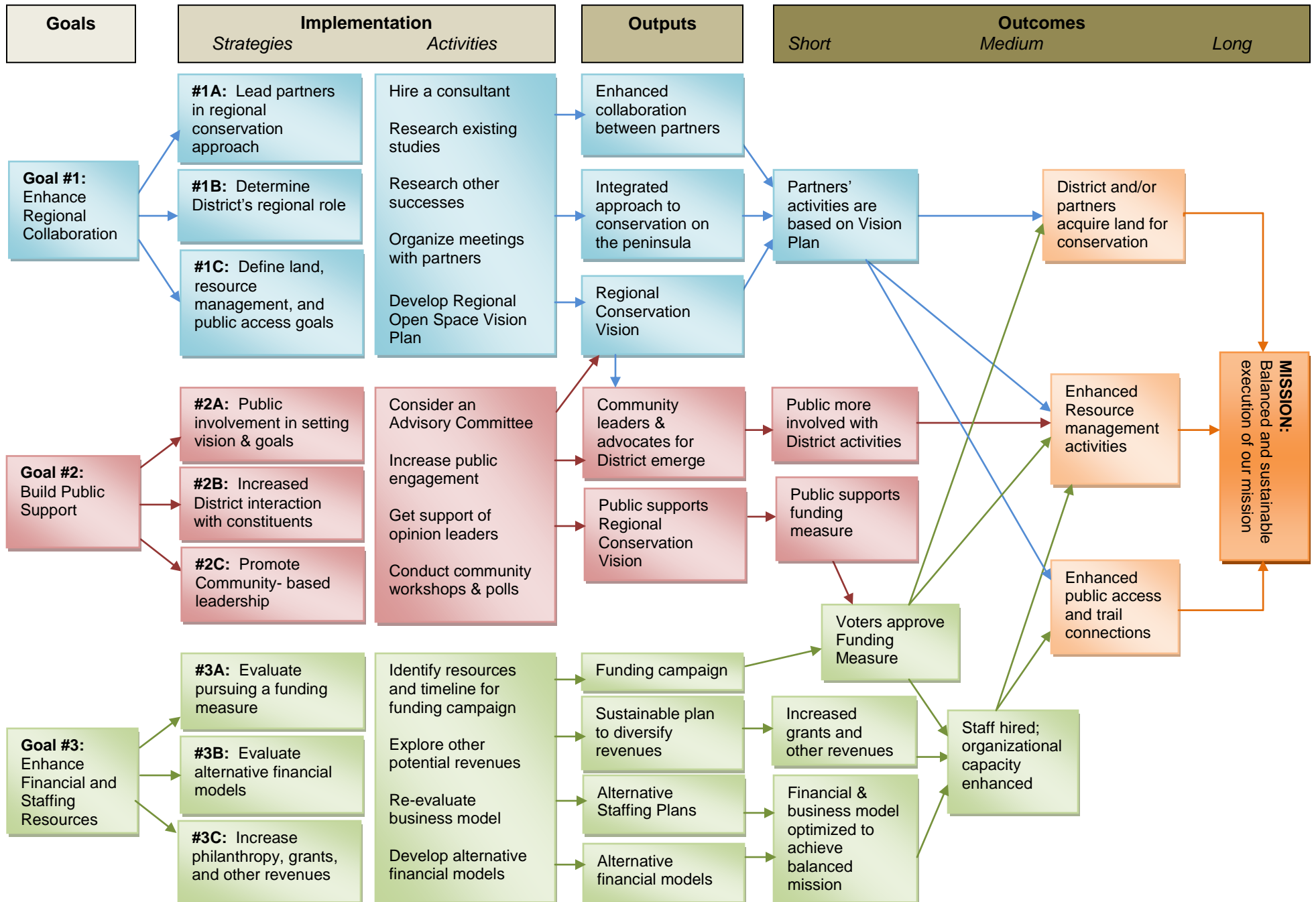
1. Public access to preserved land is increased, and is balanced region-wide.
 2. Preserve trails are linked to other regional trails, and ultimately to the places where people live and work.
 3. Preserve visitors are educated about natural and cultural resources, and the benefits of open space.
 4. Preserves are safe, clean, and inviting for healthy exercise and enjoyment.
 5. Communities are involved and engaged in conservation outcomes.
-

BIG QUESTIONS

These proposed Big Questions are interrelated and cannot be considered independently from each other. However, Big Question #1 needs to be considered first as it directly impacts how the District can best continue to fulfill its mission and thus influences the responses to Big Questions #2, 3, and 4.

1. The District has preserved approximately 59,000 acres of open space in the Santa Cruz Mountains, however our financial ability to carry out the mission with the primary emphasis on land acquisition is projected to substantially change within the next 3-6 years with current funding. How will we respond?
2. How do we allocate resources among programs to achieve the goal and desired outcomes?
3. Together with our partners, how can we most effectively take advantage of the opportunities to close the gaps in the preserved conservation network within District boundaries, and address the threats to natural open space resources, agriculture, and rural character?
4. How can the District diversify and increase its revenue stream, in the short and long term, to ensure funds are available to continue to sustainably fulfill our mission?

Midpeninsula Regional Open Space District Strategic Plan 2011



***ESTABLISHING A STATE OF READINESS* for the Open Space Vision Implementation Plan**

Several major preconditions need to be present in an environment where the District is ready to proceed successfully with an Open Space Vision Plan effort. This “District-Wide State of Readiness” is essential to ensure that the necessary resources, engagement, time, focus, internal coordination, and critical thinking are available to be directed towards this time sensitive, high priority, high profile effort. These major preconditions include:

- Staff readiness
- General Manager readiness
- Board readiness
- Partner/stakeholder readiness

Specific actions and activities have been identified that need to first be accomplished to prepare each participant to undertake the Open Space Vision Plan process. These preplanning actions and activities are listed below. Through further discussions, additional preplanning actions and activities may be identified.

Elements of staff readiness:

- **WORKLOAD:** Revamp Department Action Plans to reduce workload and set aside sufficient staff support to (1) support the Vision Planning process and (2) support the reallocation of roles and responsibilities, (e.g. Department Managers will need to shift some of their responsibilities to senior staff to allocate their time to prepare and/or review materials, attend meetings, and answer questions).
 - Clarify changes to staff roles and responsibilities within each Department.
 - Avoid initiating new projects or forwarding new initiatives, which counteract efforts to maintain sufficient staffing resources for the vision planning effort.
- **MORALE:** Raise and maintain high staff morale.
 - Focus on wrapping up critical staff-related projects.
 - Take steps to foster staff buy-in to the process.
- **VACATION PLANNING:** Schedule Project Team vacations around key project dates.

Elements of General Manager readiness:

- **ASSISTANT GM:** Quickly fill the Assistant General Manager position, to allow delegation of routine responsibilities, thereby freeing up time to engage and serve as leader of the effort and an important conduit with local agencies and organizations.
- **VACATION PLANNING:** Schedule vacations around key project dates

Elements of Board readiness:

- **ESTABLISH ROLES:** Establish Board assignments

Last Revised 4/19/2012 1:32 PM

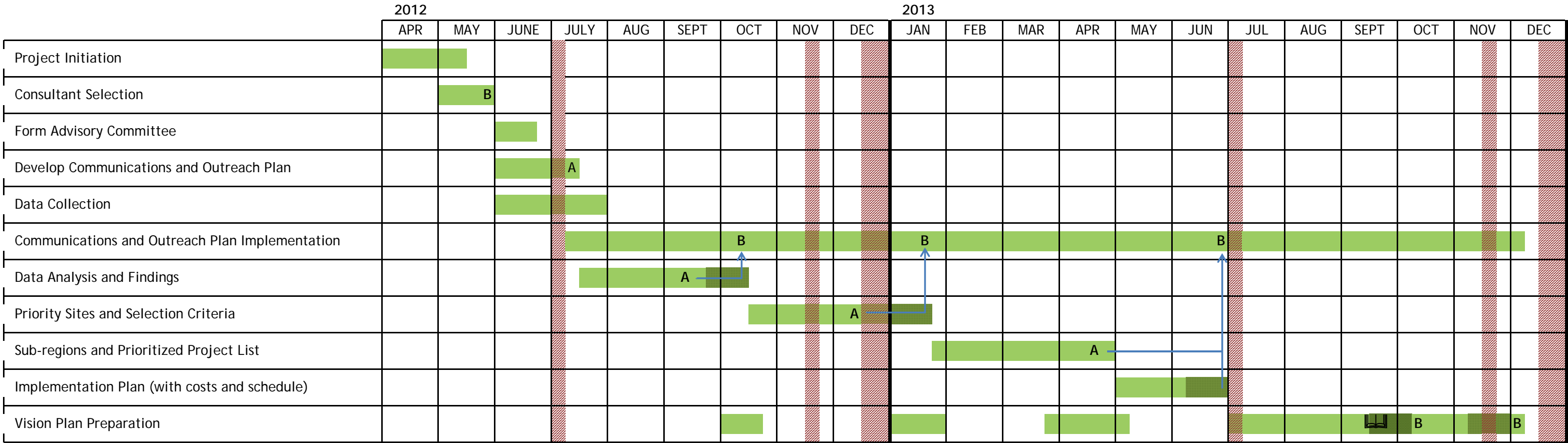
- Set clear roles and expectations
- Foster connections and coordinate with local elected officials and influential individuals within each Ward.
- MEDIA TRAINING: Provide media training and talking points
- INTERNSHIP PROGRAM: Consider assigning an intern/aide to assist Board members with organization, scheduling, and information transmittal
- VACATION PLANNING: Schedule vacations around key project dates

Elements of Partner/stakeholder readiness:

- IDENTIFICATION: Identify partners and stakeholders, and assign Board, GM, and staff communication roles and responsibilities.
- OPEN LINES OF COMMUNICATION / ESTABLISH WILLINGNESS AND GROUND RULES: Initiate early communication to begin dialogue and establish commitment to participate.

Vision Plan Draft Schedule

Revised 04/19/12



- A: A: Community Advisory Committee Meeting
- B: B: Board of Directors Meeting
- 📖 : Release Vision Plan document
- █ : Board Meeting Preparation
- ▨ : Major Holiday Week, Reduced Work Capacity

Open Space Vision Implementation Plan Discussion Guide

Purpose:

The District's Strategic Plan calls for the development of an Open Space Vision Implementation Plan (Vision Plan) to establish a vision for delivery of the District's mission, including future conservation, public recreation, resource stewardship, and working lands within District boundaries. The Vision Plan will serve as a tool to guide future priorities on acquisition, public use, and land management so as to achieve the largest, most beneficial impact given available funding and staffing resources.

Expectations:

The Vision Plan will be a tool for the District and local conservation partners to inform conservation choices and investments at a regional level. As such, this Vision Plan will promote inter-organizational coordination and leverage private and public funds to accelerate the pace of and maximize the impact on land conservation, resource stewardship, and recreational access. The Vision Plan will be developed to allow ease of continuous updates as new information is collected and conditions or needs change to keep the Plan relevant over time.

The Vision Plan, with its goals and priorities, will help rally support for future funding opportunities by describing conservation, stewardship, and public access priorities that are consistent with the District's mission, meet long-term District needs and goals, and are considered of great value to our partners, stakeholders and local communities. The Vision Plan will supersede and replace the District's 1998 Regional Open Space Study and 1992 Master Plan.

General Approach:

The Vision Plan will employ a strategic approach to conservation and stewardship, utilizing the best available scientific data to analyze existing conditions, including natural and cultural resources, wildlife corridors, trails and public access facilities, important vista points and viewsheds, agricultural uses and prime agricultural land, and demographics. Data on future climate change impacts and population growth will also be analyzed. This assemblage of information will help highlight opportunities, constraints, and trends to guide Vision Plan development and inform ongoing decision making. This Plan development process will be directed by the District with much of the day-to-day work administered by a Consultant Team composed of a Project Coordinator and Technical Experts, and will incorporate feedback from and participation by our major partners, stakeholder groups, and the larger community.

The Vision Plan will cover the following key elements, all of which are of major interest to the District, and identify the goals, strategies, and actions to best achieve the desired impacts for each element:

- Resource Stewardship
- Biodiversity and Landscape connectivity
- Watershed integrity
- Cultural resources
- Recreation and Health
- Working Lands
- Viewsheds

Each Vision Plan element would build upon similar, prior work of other organizations – for example, the Biodiversity and Landscape Connectivity elements would refine the analysis completed by the Upland Habitat Goals Project and Bay Area Critical Linkages Project as a starting place to identify the resource stewardship priorities for the Vision Plan study area. Likewise, the Recreation and Health element would incorporate regional trail planning efforts such as San Mateo and Santa Clara Counties Trail Plans, and the Trail Plans for the Bay Area Ridge Trail and Bay Trail, as a starting place to explore public access priorities.

Scope of Work

The following outlines the scope of work proposed for the Vision Plan (see also attached Vision Plan Process flowchart). Each step of this process will require oversight and confirmation from the District and may need to be adjusted based on District needs:

- Initiate the Vision Plan project; confirm the participants and roles of each; seek outside funding, if possible; confirm the project study area boundaries; confirm consultant and expert assistance needed; refine the project scope and process; and follow District procurement process to contract with consultant experts.
- Working with the selected consultants:
 - Form a small community advisory committee comprised of representatives from the District, partner organizations, resource agencies, landowners, community leaders, and groups representing diverse populations to advise the Vision Plan development and to solicit early input.
 - Develop and implement a Public Communications, Outreach and Engagement Plan that meaningfully and effectively involves partner agencies in the Vision Plan preparation, as well as informs and engages stakeholders and solicits public input. This Plan should include methods for soliciting input on what the public and our partner agencies value most about open space, and consider the use of online engagement tools, field trips, polling, workshops, and focus group meetings. Also included should be methods to maintain a repository of all comments received, and preparation and maintenance of a Frequently Asked Questions/Answers factsheet for posting online and at public meetings.
 - Keep staff informed of progress and critical milestones throughout the planning process, invite staff to participate in meaningful ways, and develop messages and talking points to assist staff as they interface with the public.
 - Collect relevant land use, conservation, public access and resource information, identify data gaps; and collect new data, if needed, to fill critical gaps. Utilize existing information sources as much as possible.
 - Analyze information to identify open space opportunities and constraints; develop an updated understanding of threats to open space values; determine where and how

- natural resources, wildlife habitat, and working lands may be vulnerable to development growth and habitat fragmentation.
- Foster relationships with and involve local cities, towns, and counties as part of the visioning process.
 - Hold 2-4 public workshops with the District Board of Directors at key decision-making points throughout Vision Plan development. Use feedback from workshops and other sources to develop Vision Plan goals and selection criteria for each Vision Plan element.
 - Identify specific priority sites that maximize the net beneficial impacts to conservation, stewardship, public access, and working lands;
 - Identify groupings or sub-regions based on geography and political boundaries to reflect the different interests and specific priorities across the region. Target the most critical and immediately needed actions and projects within each sub-region; consider pilot projects that not only meet selection criteria, but accomplish multiple goals and have the farthest reaching benefits for people and nature; evaluate implementation costs.
 - Prepare the Draft and Final Vision Plan document that includes an implementation plan with a prioritized list of actions and projects, schedules, and costs.
 - Hold 2-3 public hearings with the District Board of Directors to consider tentative (initial) and final approval of the Vision Plan.

Project Study Area:

The project study area shall encompass the District’s entire jurisdictional area plus our Sphere of Influence. Certain types of analysis, such as that performed for landscape connectivity or watersheds, may need to look beyond the study area and into surrounding, adjacent lands.

Board Involvement

The Open Space Vision Plan is a top priority for the District’s Board of Directors, all of whom have expressed a keen desire to stay fully informed and engaged throughout Plan development. Involving the Board at key decision-making points and frequently informing them of the work progress are essential to project success. The Board will be invited to attend any and all Advisory Committee meetings, which will be noticed per the Brown Act, to listen in on the discussions and to provide any individual feedback.

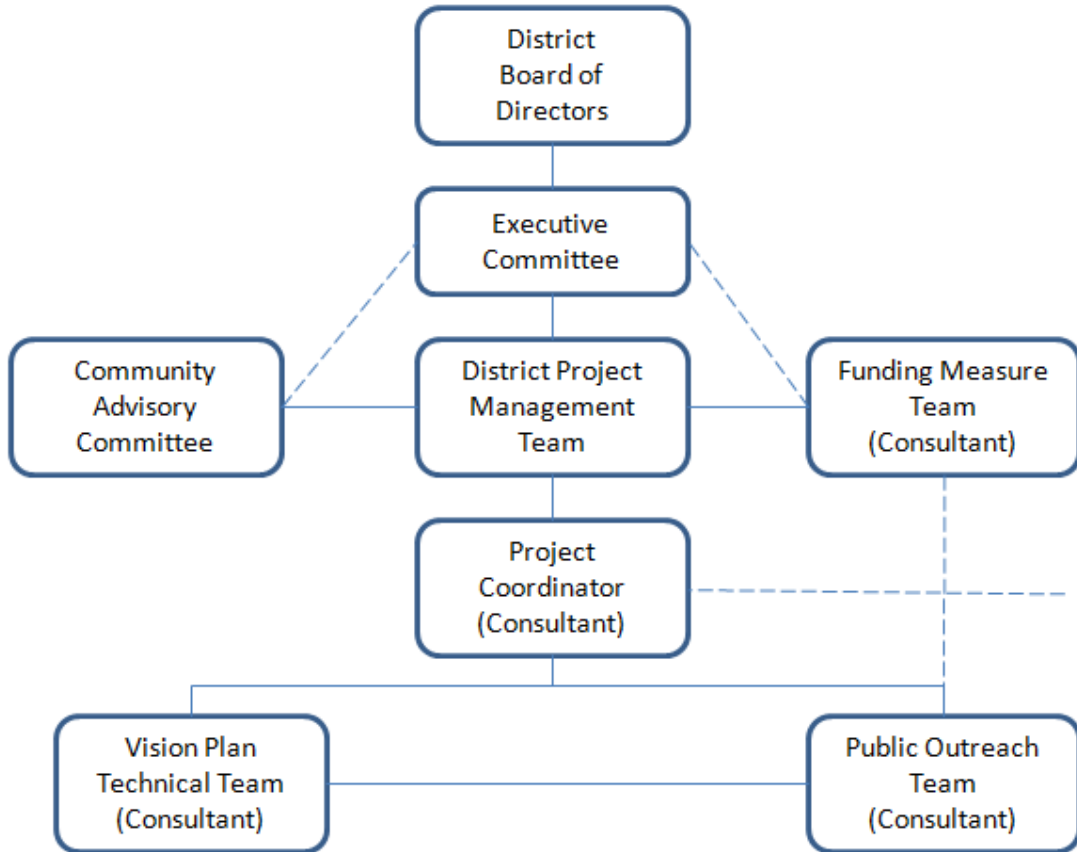
Community Advisory Committee

The Community Advisory Committee (CAC) would meet approximately four times as part of the vision planning process to provide early feedback on work progress, findings, and next steps. The CAC would also help provide a sense of how the larger public may respond to the project as new information is developed prior to its unveiling. Meetings would be made public and follow noticing requirements per the Brown Act to provide Board members and the public the option to attend. Board members who attend the optional CAC meetings will be able to receive early input about the vision planning process prior to hosting public Board workshops and hearings. To achieve meaningful and relevant input, the CAC would first be informed about the District, its mission, history, and policies and a set of guiding

principles and team agreements established. Field trips would be scheduled as needed to bring participants out on the preserves.

Vision Plan Project Management Organization

The flowchart below outlines the proposed Vision Plan project organization and reporting structure.



-
- Executive Committee: Steve Abbors, Project Mgt Team, Pat O’Brien, others TBD
 - District Project Management Team: Kirk Lenington, Sandy Sommer, Ana Ruiz (Project Lead – Vision Plan), Rudy Jurgensen (Project Lead – Funding Measure)
 - Project Coordinator: Consultant position responsible for coordinating activities of consultant teams, information exchange with District staff, Executive Committee, Community Advisory Committee
 - Community Advisory Committee: Comprised of District, Partner Agencies, major landowners, community leaders and other community representatives

General Manager Involvement

The Open Space Vision Plan is also a top priority for the District’s General Manager who will lead an Executive Committee that will be charged with overseeing the progress and direction of the Vision

Planning process to ensure that the project remains on schedule and produces the information and deliverables needed to shape and lead an upcoming District funding campaign. Working directly with the General Manager, the Executive Committee and Project Management Team will serve as the oversight and feedback mechanism for the Vision Plan and Funding Measure, monitoring effectiveness and guiding adaptation during the process to achieve the greatest benefit for the District.

Timeline and Resources Needed:

The Vision Plan will be a major work effort in 2012 and 2013. The District Board will need to serve as the face of the public participation process, given its identity as a public, regional, open space agency. The Project Coordinator will need to coordinate closely with the Planning Department, and involve other key District staff as needed, throughout this long-range planning effort. The Technical Experts, with Planning staff assistance, will be required to complete many of the technical aspects of the project. The Project Coordinator is also expected to coordinate as needed with a future consultant that will be retained specifically for funding measure efforts.

Below is the proposed Vision Plan project schedule:

April 2012	Release Consultant Request for Qualifications/Proposals
May	Consultant team selection/Board contract approval
June	Consultant kick-off meeting; data collection begins; Advisory Committee formed; Communications and Outreach Plan developed
July	1 st Community Advisory Committee (CAC) meeting; introduce project, schedule, goals, roles and responsibilities; discuss open space values; review outreach plan and next steps
Aug	Assess data gaps; ground truth key data sets; and develop data findings
Sept	2 nd CAC meeting to review data and findings; solicit additional relevant data; collect additional data to fill critical gaps
Oct	Employ initial public outreach and hold 1 st public Board workshop, introduce project and present data and findings; solicit discussion on open space values, needs, constraints, priority sites
Nov	Identify priority sites; develop draft project selection criteria
Dec	3 rd CAC meeting to review and discuss public comment to date, target priority areas, and draft project selection criteria
Jan 2013	2 nd round of public review, including 2 nd public Board workshop, to present and solicit feedback on priority areas and project selection criteria
Feb - Mar	Refine components of the Vision Plan; develop sub-regions if appropriate; develop prioritization matrix and list of projects

Apr	4 th CAC meeting to review and refine revised Vision Plan, including sub-regions, prioritization matrix, and draft list of projects
May	Refine Vision Plan and project list; develop implementation cost estimates and schedule
Jun - July	3 rd round of public review, including 3 rd public Board workshop, to present and solicit feedback on prioritization, project list, and implementation cost and schedule
Aug - Sept	Refine Vision Plan; release Vision Plan for Board and public review
Oct	Hold 1 st Public Hearing - Tentative Approval of the Vision Plan
Dec 2013	Hold 2 nd Public Hearing – Final Approval of the Vision Plan

Partner Agencies

Partner agencies are expected to engage in the Vision Planning process in various ways and are considered important stakeholders whom the District will depend on to not only support and help implement the Vision Plan, but also to support and advocate for future funding campaigns.

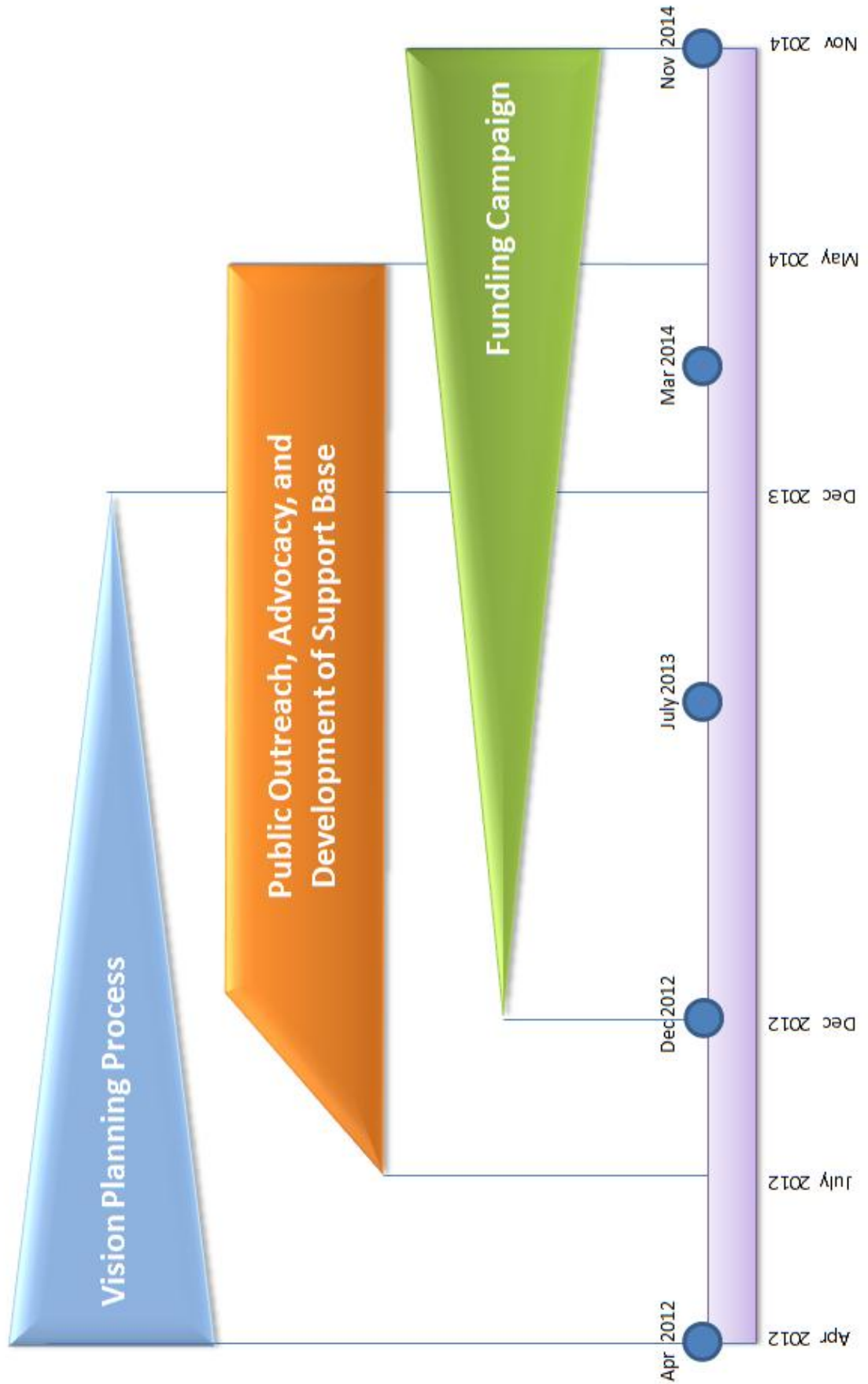
Partners include:

- California State Parks
- City of Cupertino
- City of East Palo Alto
- City of Half Moon Bay
- City of Los Altos
- City of Los Altos Hills
- City of Monte Sereno
- City of Mountain View
- City of Saratoga
- City of Sunnyvale
- Committee for Green Foothills
- Kings Mountain Association
- Peninsula Open Space Trust
- San Mateo County Agricultural Advisory Committee
- San Mateo County Farm Bureau
- San Mateo County Parks
- San Mateo County Resource Conservation District
- Santa Clara County Parks
- Santa Clara County Open Space Authority
- Santa Clara Valley Water District
- Save the Redwoods League
- Sempervirens Fund
- South Skyline Association
- Redwood City
- Town of La Honda
- Town of Los Gatos
- Town of Portola Valley
- Town of Woodside
- Various unincorporated communities

Vision Plan and Funding Campaign

The Vision Planning process and Funding Campaign effort are expected to overlap significantly (see graphic on next page). The Vision Planning process will serve as a vehicle to introduce, engage, and excite the local community, organizations, and agencies about the District and its future. The Vision Planning process will also provide much of the information, outreach materials, contacts, and final Vision Plan as the platform for outreach and advocacy to develop and expand the District's support base for a funding campaign.

Vision Plan and Funding Campaign Timeline



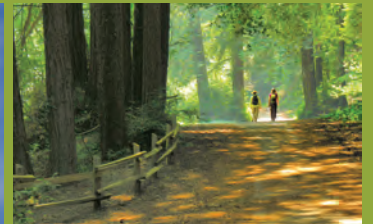
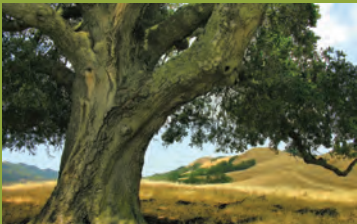
MEASURE WW

A Case Study and Reference

By Marty Boyer • As commissioned by East Bay Regional Park District • 2010



East Bay 
Regional Park District



Photos: Deane Little, Kevin Fox, and Eric Nicholas

Table of Contents

Letter from the General Manager	4	
Preface	5	
Overview	7	
Part One: Shaping the Measure	11	
Drafting the Measure	13	
Legal Matters	16	
Developing a Plan, Crunching the Numbers	22	
To Go or Not to Go	27	
Part Two: Assembling a Team	29	
The Case for Outside Expertise	31	
Keeping an Eye on the Public Pulse: Pollsters	31	
Your Story Won't Tell Itself	34	
Leadership	42	
Keeping Everyone in the Loop	45	
Part Three: The Emergence of the Outside Campaign	47	
The Campaign Committee	49	
Building the Team; Getting Started	Professional Fundraising	The Ground Game
Financing the Campaign	Minding the Treasury	The Cyber Ground Game
Campaign Finance Subcommittee	Chasing Endorsements	Political Consultants
Part Four: The Intangibles	67	
The Intangibles	69	
The Best-Laid Plans	71	
Appendices (See attached bonus CD)	73	
1. Initial Public Communications – Report on Prior Bond Act Accomplishment, 1998	11. Public information and Outreach Plan	
2. Rationale for Extension of Bond Measure, Key Messages, 2007	12. Public Outreach Meeting Agenda, 2008	
3. Reports on Prior Bond Act Accomplishments	13. Public Outreach Presentations Staffing Calendar – Sample, 2008	
4. Tracking Poll, June 2008	14. Public Outreach Presentations – Final Summary, 2008	
5. Exit Poll, November 2008	15. Measure WW Public Information Brochure (mailer), 2008	
6. Measure WW Project List, Board Material	16. Measure WW Major Costs (budget planner)	
7. Measure WW Project List, Board Resolution Authorizing Acceptance	17. Sample Newsclips, Editorials, Articles, Columns, 2007-2009	
8. 2008 Election Gantt Chart (project management tool)	18. East Bay Regional Park District Ballot Measures Election Results, 1988-2008	
9. County Elections Office Elections Timetable		
10. Official Measure WW Ballot Information from Voter's Pamphlet		

Letter from the General Manager

In late 2008, as my staff and I reviewed exit polls and wrapped up nearly three years of work to pursue the \$500 million park bond ballot measure officially presented as Measure WW, I realized that my senior management team of baby boomers was unlikely to be around for another such effort. I was born a year prior to the war so I was probably a “Depression boomer.” Most members of the team have served East Bay Regional Park District for many years and weathered several election measures, giving us a level of experience in the somewhat surreal field of the election process that many in local government have not attained.

And so, it came to me to compile a record of our experience with Measure WW. At first, I envisioned a reference work for our successors who may appreciate a guide for this bewildering journey. Collectively, we recognized that Measure WW might serve as a useful case study to assist other local agencies being pushed rather forcefully toward the ballot process by the disintegration of traditional funding streams and an awful economy.

Speaking on behalf of the Board of Directors, my staff, and myself, we hope that you find useful insight within this narrative and the lessons we have learned and cited. Obviously, each reader will have different context and needs, and the lessons will apply differently in each case.

Finally, where a thousand thank-you’s are warranted, three will have to suffice: First, this achievement would not have materialized, nor succeeded, without our extraordinary Board of Directors who committed to the effort, proved that commitment through their actions, and gave of their own time so generously throughout the process. Second, I will always be grateful for a remarkable staff, from top to bottom, who passionately believe in the mission of the Park District and worked so hard – many of them also volunteering their off-duty time to assist the outside campaign. And finally, I wish for each reader the kind of grass-roots support for your services that we enjoy at East Bay Regional Park District. It was community activists, park users, and partners in the community who stepped up to create, finance, and conduct the campaign that the District could not. Everyone who values and uses our network of regional parks owes them their gratitude.



Pat O'Brien, General Manager

Preface

By the mid-1980s, Proposition 13 and subsequent tax reform ballot initiatives in California had resulted in dramatic decreases in available funding for local governments and eliminated most options to backfill the losses with new sources of revenue. Cities, counties, school districts, and special districts, still reeling from devastating cuts forced by Proposition 13's passage in 1978, were beginning to understand the full and long-term impacts of the landmark initiative put forward to protect taxpayers. The mother's milk of local government financing – property taxes – clearly was not going to be sufficient to operate programs and services in the future.

In response, agencies became more adept at pursuing new approaches to financing using the few tools available to them. Key among those tools was, and as of this writing, still is, the local ballot measure. This option, however, requires an agency to take its cause directly to the very voters who stood their ground against high taxes through Proposition 13 and its offspring measures. And, if asking voters to pay more taxes is daunting, the California Constitution makes it even more so by requiring two-thirds approval to pass a specific-purpose ballot measure. In addition, the fiscal and legal constraints on public officials that prohibit them from conducting a campaign make passing ballot measures a very tall order for public entities.

Until 2009, *The San Francisco Chronicle* enjoyed high readership of a front-page feature called “Chronicle Watch” which epitomized the paradox of public sentiment an agency faces when asking for more taxes. In this prominent space, the largest circulation newspaper in Northern California for many years took on the reader-reported small failures of government in the Bay Area. The feature included a photo of the broken sewer, clogged drain, unfilled pothole, broken park bench, or missing signpost that was the subject of the day's installment, and a sub-headline indicated how many days it went unattended. Often, the agency official responsible for the service featured awakened to his or her “mug shot” at the top of the column.

As Californians drew their line in the sand against tax increases and the cost of government near the end of the 20th Century, the *Chronicle* feature underscored the paradox that the public also expected a historically high standard of living and quality of life. Today's citizenry demands more and better services than ever, and demands them on an almost fail-safe level, all the while standing tough against new taxes to pay for them. Even as the economy tanked in late 2008, and thousands of public servants lost their jobs over the next year and a statewide crisis in funding for local government worsened, an unfilled pothole continued to merit protest and front-page attention by the *Chronicle*.

Local government has been on the earful end of this paradox for decades. And, they recognize that meeting the public's heightened expectations requires confronting the legal constraints surrounding elections, offering each tax-and-spend measure on its own merits, but keeping clear distance from election activities.

Today, specific-purpose ballot measures are common throughout California. Most focus on universally highly-valued services, such as schools, public safety, libraries, additional local transportation needs, and parks. Hundreds of such measures have been launched in California, but far fewer succeed. In the 2008 General Election, hundreds of local agencies asked Californians for various special tax measures. The vast majority of those that passed were targeted to raising funds for schools and were aided by a lower threshold of 55 percent voter approval for school bond measures. But for those measures seeking taxes for special purposes non-school related and requiring 2/3 vote to pass, the odds remain long against the sponsoring agencies.

Local government does many things well. Election politics are not among them, nor were they meant to be. State law strictly prohibits the ability of government agencies from conducting campaign activities using taxpayer money or taxpayer-financed staff time or resources. Yet despite the limitations, those who seek approval to levy taxes have a right and an obligation to ask the voters to consider and help pay for high priority programs – and a responsibility to fully involve and inform the public during the election process. Those entities that pose successful measures invest the time, energy, and money to involve the community, develop a detailed plan for the expenditures of the revenues, and identify partners and professionals necessary to do the job. Meanwhile, an independent complement of community supporters, interest groups, volunteers, and political professionals conduct the campaign.

This is the account of one local measure, Measure WW, put on the ballot in Alameda and Contra Costa counties in 2008 by the East Bay Regional Park District Board of Directors to extend a tax assessment for acquisition and development of regional parks and local park projects. It was the largest local park bond measure for a local park district in U.S. history and is a reflection of how one special district has repeatedly succeeded over many years in the ballot process. It provides lessons for cities, counties, school districts, and special districts considering a ballot measure. This case study is intended as record for the District's next generation of leaders who may face the task of seeking an extension of WW in 2028. We hope that it will also be a valuable resource for all local officials who may find themselves in an arena they hadn't imagined when entering public service – that of the professional who must stand apart from, yet understand and work with the election process in order to pursue their mission of public service.

Overview

This case study focuses on one revenue-raising ballot measure and attempts to share valuable information with those in local government who may be persuaded that the ballot measure is the only true, locally rooted avenue to adequately fund vital services in the community. We have attempted to marry two approaches. We offer the insight and experiences of those involved with several successful local ballot measures, and cumulative “Tips and Guidelines” in each section that can be helpful to any agency committed to putting forth the strongest possible ballot measure with the best chance of passage. We have also woven throughout a case study of one successful local ballot measure in hopes that its example helps bring the process alive for the reader. This report focuses on a process toward a ballot measure seeking bond approval, fees, or a tax.

The case study chronicles the experience of East Bay Regional Park District in November 2008, asking voters to extend a special assessment passed by the voters in 1988 as Measure AA. Its 2008 successor, Measure WW, would extend AA’s mission to purchase and develop regional parklands, and provide grants for recreational projects to local communities in Alameda and Contra Costa counties – without any increase in the tax rate over that approved in 1988. It would be expected to finance \$500 million in bonds over its expected lifetime of 20 years.

Readers may choose to assess how this election scenario contrasts with others, citing differences in political demographics of a community, popularity and image of a cause, wealth of the community, the state of the economy, and other factors. All are relevant and certainly some are weighed carefully when an agency considers the prospect of going forward with a ballot measure. In 2008, some factors weighed in favor of Measure WW; others seemed to discourage taking the risk. We hope that readers will take what they can from this experience to apply in their situations and adjust as they need to in consideration of the contextual backdrop they face.

With this in mind, a brief snapshot of the context the East Bay Regional Park District faced and factored in to all decisions may be useful. Measure WW was placed on the ballot 20 years after its predecessor, Measure AA, was passed, just as that measure’s proceeds had nearly been expended. It was one of a long menu of State and local initiatives on the ballot for November 4, 2008 – headlined by the most fascinating and spirited presidential election of our times. Furthermore, the District had gone to the voters just four years prior to ask for a special excise parcel tax (Measure CC) to finance operations. The measure passed, but would it be going to the well one too many times in 2008?

Unbeknownst to the District's Board of Directors and staff when they culminated years of consideration and planning by officially filing in the summer of 2008 to offer Measure WW, the election would ultimately be held one month after the bottom fell out of the national economy, leading to a deep and prolonged recession that continues as of this writing in late 2009. Unemployment would soon reach 10 percent in California and hundreds of thousands of Californians watched as their homes went into foreclosure. Not a great time to ask for a tax to continue.

But the District also operates in a sociopolitical community unlike any other. Its two-county jurisdiction in the East San Francisco Bay Area includes Alameda and Contra Costa counties and serves 2.5 million residents. Oakland and Berkeley are the heart of the District. It is clearly among the most liberal and environmentally conscious political communities in the nation, and the median education level in the two counties is high, thanks in part to the presence of the University of California's crown jewel in Berkeley (the university campus is geographically collared by thousands of acres of District regional parks behind it).

That identity is a major part of why East Bay Regional Park District was able to grow from its first three parks, opened in 1936, to 65 regional parks that protect more than 100,000 acres in the two counties. The parks experience an estimated 14 million visits each year from District residents and travelers seeking quality, accessible parks. It is the largest network of urban regional parks in the country. Then, too, the District enjoys widespread credit for being among the best-run park systems in the nation and enjoys a high degree of credibility and support from its park users and community. We will explore this further within this case study.

Finally – and again, to be discussed further ahead – the District is dedicated to a focused mission that leads to a high degree of unity among its staff, supporters, and a Board of Directors who can agree on their mission and broad principles even as they may disagree on steps or turns in the path to serve that mission. So, for example, an agency with a more diverse and decentralized set of responsibilities and missions, in a different community, perhaps with a lesser track record for performance in the perception of its community, may struggle to find unity among its team as they consider going to the voters. Cities and counties are examples of organizations with more diverse responsibilities; libraries, public safety, and schools are often as sharply focused in mission as a park district.

Facing both advantages and disadvantages, the East Bay Regional Park District has used the ballot measure effectively and developed a high level of expertise in presenting measures and winning voter approval. The

District correctly gauges the public's priorities, involves the community at every step, accepts that putting forth a measure is hard work and then does it. The District brings in appropriate experts or spends as needed to do the staff work right, all the while trusting community activists to carry the campaign football on its behalf.

Measure WW went to the voters on Nov. 4, 2008, in both counties. Despite last-minute crises that threatened the effort in each county – including the measure going forward without a title on the ballot material due to error by one county's registrar of voters – WW passed with more than 71 percent approving it in each county. It was the seventh ballot measure the District has put forward dealing with bonds or special assessments since 1988. Only two failed – each of those earning more than 60 percent but just shy of the required two-thirds.

It has become a cliché to view a long, challenging experience as a “journey,” but that is what Measure WW was. The final step of that journey is to capture it for future District leadership and for others in local government who may benefit.

Part One: Shaping the Measure



Introduction

Putting the right special funding measure on the ballot is hard work and involves many pieces. The two early efforts that often make or break a measure are drafting the language for the measure, and developing the plan that determines the specific projects or uses for the revenue, their costs, and a plan for implementation of the projects. Virtually every arm of a successful ballot measure effort grows organically from managing these two tasks well on the front end. For example: The best fundraiser and finance committee in the world cannot raise money unless the language of the ballot measure accurately reflects a winning cause and a well thought-out plan for using the money that responds to widespread, relevant input from the community. Further, the draft has probably been amended, edited, and perhaps even rewritten as a result of vetting it through various methods of public opinion assessment, such as polls and community relations activities.

Drafting the Measure

The East Bay Regional Park District was on a course toward Measure WW for many years. Its predecessor, Measure AA, was passed in 1988 to finance acquisition and development of parklands and would expire in 2008. If the District was to continue on its mission in a significant way, the measure would have to be renewed or extended to allow continuation of the crucial taxpayer-approved capital revenue stream. The good news was that the District had a model that had earned the required two-thirds 20 years earlier, and planners could work from that same conceptual plan. It included a successful formula for using the funds and sharing them with the communities within the two counties, a very specific project list, and a palatable tax rate. General Manager Pat O'Brien's Staff Oversight Committee for WW directed the staff effort, taking full advantage of the work he and staff had done back in 1988 and using that model to begin the painstaking job of building a new plan for a new millennium.

Then-District Assistant General Manager for Operations Jerry Kent was a key staff presence creating the 1988 plan and returned from retirement to work on updating it for Measure WW. O'Brien and Assistant General Manager Dave Collins worked with the Board of Directors at workshops to craft the measure.

Tips and Guidelines

1. Begin very early, and take your issue to every segment of your jurisdiction for public comment and input. Surveys are critical.
2. Begin with a good draft plan that includes something for every community to love. Use your staff and your policymakers to help develop the projects list and spending plan.
3. Make sure your plan provides some discretion for every community.
4. Keep it simple, understandable, and memorable. Include specifics.
5. Expect disputes and leave room for your policy-making Board to make tweaks or settle disputes.

“First rule: If you have a good model, don’t throw it out,” Kent says. “We knew that Measure AA was a good model, it had been very successful in achieving exactly what we promised the taxpayers, and equally important, we made sure they knew it throughout those 20 years.”

Nonetheless, today’s world demands ongoing, inclusive community involvement in creating a draft measure. Measure AA’s plan and ballot language were drafted in a few weeks in response to a specific opportunity (State Initiative Proposition 70 won wide support for State parks in June 1988, and with just five months to the November election, the East Bay Regional Park District saw the opportunity to put a similar

measure on the ballot to benefit its two counties). But today, ballot-weary and savvy voters are far more active and perhaps more skeptical. They demand more involvement in an election process that would add to their tax obligations or even continue existing taxes, and would also determine the future of resources as precious as the regional park system.

Kent points to nearly two years of community input meetings throughout the two counties, countless appearances before civic groups, advocacy and interest groups, local government bodies, and small citizens’ groups to get input regarding the measure. Most specifically, the District sought input regarding project priorities envisioned by the District to be financed by the revenues.

Measure WW and its predecessor, Measure AA, adhered to the above in defining the basic allocation formula for using the \$500 million in bonds being repaid through the assessment. It is a good example of how to balance regional and community needs, as well as various kinds of uses:

75 percent: District Projects

- Land Acquisition: 75 percent
- Development projects: 25 percent

25 percent: Local Agency Grant Program

- Locally-determined projects (population-based grants)

Development projects included park development, access improvements, and environmental restoration projects. Land acquisition funds are available to purchase land as it becomes available, some of which may be targeted for park development while others may be set aside as open space preserves or land-banked for indeterminate periods of time. More than 200 specific projects offered something for every community within the District.

It is vital to be realistic when determining the tax rate amount being asked of the voters. Polls and other research will reveal what amount will get what level of voter support; listen to those messages. Extending Measure WW during a dramatic period of economic recession made it even more important that the District conduct reliable public opinion polls and engage the community at every opportunity to assess what would be palatable to stressed voters. The data made it clear that their best chance to succeed was to seek a simple renewal of the AA taxing formula of \$10 per \$100,000 valuation, or approximately \$40 per household per year, based on average valuation in early 2008 – a formula which would not increase the current tax rate.

Drafting the Language: The Perfect 75 Words

Now that you have created a draft project plan and the terms of a ballot measure, how hard can it be to draft the actual 75-word measure, the word limit set by California election law? Writing a concise, effective document of any kind can require a tremendous amount of work and some discord. Philosopher Blaise Pascal once famously wrote in a long letter to a friend: *“I would have written a shorter letter, but didn’t have the time.”*

In our case study of Measure WW, consider that the District was selecting 75 words to ask taxpayers for \$500 million over 20 years. They also understood that at least a dozen people would want or need to help draft the language. Writing the ballot language can seem at first blush like a simple

procedural step. In reality, it can become a make-or-break project that requires much patience and compromise, and can determine the election's outcome.

General Manager Pat O'Brien, Assistant General Manager Dave Collins, District in-house Chief Counsel Ted Radosevich, and Assistant General Manager Bob Doyle (Land Acquisition) created a first draft with the help of pollster Dr. G. Gary Manross. In addition, the District had to work with bond counsel to ensure language that would be acceptable to financial firms who would be needed to issue bonds through the life of the measure. A Board of Directors legislative committee, political consultants, and, of course, attorneys, all had ideas about the magic 75 words that would be most accurate and most successful at the polls. For example, significant discussion emerged in determining whether the measure would be referenced as a "continuation" of Measure AA or an "extension." Public opinion prevailed when Manross' surveys determined that the word "extension" clearly outpolled "continuation," although even Webster would have difficulty defining the distinction between the two words. In fact, the word "renewal" was the choice favored by staff.

As painstaking as the drafting was, the exact measure language was the subject of the most disruptive detour en route to Election Day when one elections official in Contra Costa County disputed the submitted language, which came in at 75 words plus a title. The official ruled that the 75 word count must include the title, contrary to that official's actions in a recent election and also counter to the ruling by neighboring Alameda County. The disagreement with one elections staffer forced the Park District to rewrite just days before the deadline to carve out enough words to be accepted and get on the ballot. (See "Legal Matters" section for further information on this event.)

Legal Matters

Some of the legal tasks related to a ballot measure are obvious. Others are less so, and still others can be crises that arise and threaten the entire effort if not handled quickly. In worse case scenarios, surprise legal issues can occur as a critical deadline in the election process looms and a failure to act quickly can doom the process. Such watershed events occurred with Measure WW, and we will provide insight into handling those situations later in this report.

Overall, legal matters and tasks related to the Measure WW election cycle fell into general areas. Each is vital; any one neglected could have constituted a fatal flaw to the process:

- Satisfying bond counsel;
- Drafting of the measure (campaign filings were within the purview of the campaign committee) and approval by bond counsel, if applicable;
- Managing compliance with State campaign restrictions;
- Addressing unexpected crises.

Passing Muster with Bond Counsel

East Bay Regional Park District in-house counsel Ted Radosevich explains that he, General Manager Pat O'Brien, Assistant General Manager Dave Collins, and the District's longtime contract pollster, Dr. G. Gary Manross, worked on the actual language to satisfy the financial community. In the case of Measure WW, the District wanted to extend a special property tax rate that had been collected since passage of Measure AA in 1988. Opinion polls and a quickly developing recession led the General Manager, Board of Directors, and an emerging campaign committee to agree that the renewal measure must limit its ambitions to an extension at the existing rate with language that assured there would be no increase.

"We realized that we had to craft a ballot measure that said it won't increase your tax rate, but language that is too rigid might prevent any bond firm from issuing the bonds for us," Radosevich explains. "We needed language that stressed existing tax rate, but gave just enough flexibility that we could work with bond firms." Further, the General Manager had previously directed that he would not recommend language that didn't include the phrase, "no increase in tax rate."

It was crucial to find a reputable bond counsel firm that would join with the District to craft language to meet all needs, not just the legal requirements. The District found that creativity and skill at the highly-regarded firm of Jones, Hall, Hill & White, who worked closely with District staff, the Board, and financial and survey consultants on the many nuances of the wording.

It is worth noting that Radosevich estimates that the 75-word ballot measure went through 60-80 drafts once all the chefs in the kitchen, including Board members, had contributed their input and all ideas were examined for meaning, nuance, and priority themes. In other words, approximately one draft per word of the measure. It is probably an indicator as to why we should be grateful that elections officials do not allow 750-word ballot measures. Several near-final options were winnowed and tested by survey, as will be discussed later.

The final title for WW read as follows:

“Extend existing East Bay Regional Park District bond with **no increase in tax rate** Bond Measure WW.” (Emphasis added.)

Each word of a title must be carefully chosen for its political, factual, and comprehension value. For example, as noted earlier, the word “extend” had polled better than the word “continue” and was more accurate than “renew.” “No increase in tax rate” was a fundamental reassurance to voters facing a recession. The obvious alternative, “no tax increase,” was discarded as not accurate nor legally acceptable, since the rate remained the same but the resulting tax bill may be higher to reflect increases in the valuation of property.

The requirement to limit ballot language to 75 words became crucial to an 11th hour near-disaster for Measure WW, and will be discussed below. However, Radosevich stresses that among the lessons learned was how important it is to submit language earlier, rather than later. Flirting with deadlines through the county elections office can be disastrous, leaving no time to correct a problem or fight a battle with the Registrar of Voters. Agencies sponsoring a measure cannot assume they will be granted continuances, reprints, re-issuances of corrected materials, or other major mitigations when elections officials err. Regardless of who is at fault, an agency submitting a measure may well pay the penalty at the polls.

Ensuring Compliance with Campaign Laws

California State law clearly prohibits public employees from engaging in campaign activities during work time, or from using the office telephone, mail service, or other agency resources. Yet in the case of many ballot measures, employees have a clear vested interest – and perhaps even a personal passion – for the measure’s cause. This is increasingly the case in California, where tough fiscal times have led to budget cuts, layoffs,

and program reductions, and the ballot measure is closely related to maintaining positions and services. In such circumstances, employees may be eager to contribute their time and energy to the campaign. They are also likely to be ignorant of the law, and it is critical that agency counsel be proactive in educating staff about these restrictions and actively involved in reviewing staff work throughout the process to ensure compliance. However, this admonition should not be construed as a prohibition that precludes an agency from performing appropriate and necessary staff work to present the public with a well-planned and constructed measure, and conducting public education and outreach efforts to inform residents about that measure.

In 2009, the California Supreme Court reaffirmed the public agency's right to perform varied public outreach activities related to a local ballot measure in *Vargas v City of Salinas*, filed by opponents of public information materials issues by the City during the election period for a utility users tax measure. The Court's decision reaffirms a municipality's right to provide a "fair presentation of the facts" to residents. Furthermore, it reaffirms the governmental entity's right to publicly express an opinion with regard to the merits of a proposed ballot measure, as affirmed by the State Court of Appeals in *Stanson*, supra, 17 Cal.3d 206, 219-223. The *Stanson* decision specifically addresses the distinction between public information and the improper role of "'taking sides' in an election contest," singling out the "use of the public treasury to mount an election campaign" as the suspect conduct – not the issuance of fair, factual information about the financing activities of the agency using a variety of widely distributed materials.

Radosevich has served the East Bay Regional Park District through several ballot measures and has established clear, aggressive practices to ensure safeguards against violations by staff.

Tips and Guidelines

1. Before any election is placed on the ballot by the District, issue a memo to every staff member with their paychecks explaining the restrictions and warning that they cannot campaign on District time. Warn employees that those who choose to campaign on their own time cannot say or imply that they work for the agency, cannot use the office telephone for campaign-related calls, use office mail services, or other District resources or time.
2. Legal counsel should keep away from the campaign, even during off-duty hours. In the case of WW, Radosevich believes he may have been among the few senior managers who did not get involved off-duty. He felt strongly that as the attorney, it was crucial to keep clearly separated at all times from the campaign. (Another exception was Public Affairs Division staff, whose role to oversee non-political public education and information made it important for credibility's sake to stay out of the campaign even on personal time.)
3. Although the agency itself does not take part in a campaign, the East Bay Regional Park District believes strongly that it has an obligation and legal right to provide public education and informational materials that explain the measure, its impact, and its intended purposes, and has a tradition of investing in that effort. Legal counsel should review such materials to ensure they are educational and informational only and do not cross the line to advocate for a vote or position.
4. Emphasize clear, concise, and understandable language in your legal review of materials. Radosevich believes that a measure will sell itself if the information you draft clearly spells out what you intend to do with the money and you have drafted the proper measure to reflect the public's priorities. General Manager Pat O'Brien agrees, and advises that you explain exactly what you want to get done and be specific in drafting the ballot language, as it will help you in the polling process (see related section).
5. When reviewing materials, if it looks marginal, or close, be conservative in those calls.

Managing Legal Landmines

Even when an agency puts forward the best-planned ballot measure effort aided by long experience and a dedication of necessary time and resources, there will be bombshells. Most will require legal attention. Such was the case when the East Bay Regional Park District submitted its 75-word Measure WW to its two jurisdictional elections offices, Alameda County and Contra Costa County Registrars of Voters. Alameda’s Registrar accepted the measure and its title without question. But in Contra Costa, the District encountered a far different reception when that county’s Registrar’s staff rejected the measure’s language, ruling that the measure’s 17-word title added to the word count to exceed 75 words. No reasoning, cajoling, or demonstration of neighboring Alameda County’s acceptance of the measure swayed Contra Costa elections officials, nor were they persuaded by the fact that their own office did not count the title nor interpret the rules this way with the District’s previous ballot Measure, CC, in 2004.

The General Manager and District Counsel assembled something resembling a war room and plunged into the job of rewriting Measure WW to preserve the all-important title by carving out words within the text to meet the 75-word total requirement in Contra Costa. Over the next 48 hours they struggled to glean words without sacrificing clarity or flow of the narrative. They sought advice and approval from attorneys, pollsters, and Board members, with Board Member Beverly Lane fine-tuning some wording crucial to ensure it remained in spirit and legality consistent with the language submitted in Alameda County.

“We ended up with a couple of imperfectly worded phrases, and awkward transitions where we sacrificed words, but we did it,” O’Brien recalls with a rueful chuckle.

The universe has a way of punishing those who say things cannot get any worse. The battle over 75 words was thankfully becoming a memory as Election Day approached. But flexibility was again the key when, in mid-October, Alameda County’s sample ballots arrived in voters’ mailboxes – minus **any** title for Measure WW! (See further discussion later in this report.)

Developing a Plan, Crunching the Numbers

Local agencies committed to asking taxpayers to approve a bond or special assessment measure may wish to clone their finance officer two years prior to the election. The steps to a responsible financial plan for the special purpose tax rate are many and layered. The best of budget geniuses cannot close one's self in an office and crunch a boilerplate formula to finance the cost of vaguely defined services or projects and expect it to convince the voters. Among the tasks ahead:

- Compile and estimate costs for planned projects.
- Ensure revenue streams will service the bond's debt service.
- Assess per unit taxpayer cost AND voters' tolerance to pay.
- Balance above three findings.
- Develop allocation plan (community equity must be considered).
- In the case of bond-financed measures, work with bond and legal counsel.
- Oversee and plan bond issues, grant programs, and other financial processes associated with spending the revenues.
- Overlay and match project plan with public input, poll results, etc.
- Have a reasonable plan for funding future impacts from implementation.
- Keep tweaking until it all fits.
- In the case of WW, an update to the Master Plan Map was also necessary to inform the project list planning work.

** While Alameda County has 14 cities, the City of Livermore was not included as a participant in Measure WW because it was not annexed to East Bay Regional Park District until 1993 and, therefore, was not part of Measure AA, of which Measure WW was an extension.*

Measure WW is a case study of a special purpose capital bond that required many layers of financial planning to present a responsible proposal. The District encompasses two counties, 33 cities*, and many unincorporated communities. The goal was to achieve buy-in from each community both at the policy level and the grass-roots level. With a two-thirds requirement for passage, a very few unhappy communities could sink WW long before Election Day.



The original Measure AA the District sought to extend was developed in 1988 in recognition of this reality. It was crafted to divide the bond

revenues from the tax rate into pots for three general purposes: 75 percent for Park District projects (3/4 for land acquisition and protection, 1/4 for recreational and park development), and 25 percent for local park and recreation projects. To ensure local control, communities would submit grant applications for funding from their allocation, which was based on census population. The per capita distribution formula served the communities, public, and District well, and was essentially repeated for WW with the appropriate adjustments for population shifts.

Assistant General Manager Dave Collins, District finance and administrative officer, worked early with research pollster Manross, the Board, the General Manager and staff, and others to test options and arrive at a target amount of money to seek. They determined that \$500 million over approximately 20 years was the optimal figure. This amount represented a replication of the \$225 million approved through Measure AA in 1988, adjusted for inflation to provide roughly equal buying power. Though many advocates sought a larger amount, this concept prevailed, supported by survey research that indicated a higher probability of success. The initial list of projects was winnowed down to \$500 million, focusing on highest priority needs in the community. Quite simply, it made political and practical sense to keep the cost to taxpayers at existing levels as the General Manager had directed.

The District spent two years compiling the WW project list, including draft project descriptions and allocation estimates, visiting every part of the two counties to hold a variety of public forums for input and working with all stakeholders to develop consensus on a fair and equitable allocation plan.

“We tried to avoid the two absolute ends of the spectrum,” Collins explains. “We didn’t want to approach the public looking vague – we obviously have expert information on many of the needs and opportunities to grow and improve the District and East Bay recreation we could provide. Yet we didn’t want to just hit them with a list in which they felt no ownership. Essentially, we avoided both ‘What should we do with the money?’ and ‘Here is the list.’ Instead, we gave them a specific program and asked ‘This is what we heard from you. Did we get it right?’ A lot of it we had gotten right; other times, the community response significantly improved the draft list. Showing that we listened and made changes also built credibility and trust.”

We will explore the myriad arms of the community input aspect of Measure WW in other sections of this report. For now, our focus is on the community effort to help develop the specific project list that would be widely distributed and otherwise made available for public scrutiny long before the election.

The evolving plan was also placed regularly on the Board of Directors' agenda and was a topic in five Board workshops each year to get Directors' input and direction. "We made very sure that we were hearing what each of seven board members felt was a priority in his or her ward. The process also helped build the Board as a team behind the measure, welding them together, preventing factions, building common understandings, finding consensus, and fostering a climate of constructive participation even as we faced something as dauntingly complex as a ballot measure," Collins added. "We worked for consensus on the big decisions first: total amount, distribution formula, tax rate, date of election, etc., and over time worked down to finer levels of detail."

Like most political policy boards, the District's seven board members came from very diverse communities and perspectives. The District enjoys an advantage in that the common bond among them usually is a shared passion for parks and open space that are well maintained and accessible to the public. They also tend to serve on the Board for many terms with few exceptions, strengthening them as a team and fostering a high degree of expertise on the Board.

"That does not happen by accident," General Manager Pat O'Brien stresses. "You encourage this kind of stellar Board by working closely with them over the years, by including them as partners in the work, and keeping them informed every step of the way. And that cannot begin six months before an election – *it must be the culture of the successful public agency.*" (Emphasis added.)

Collins tracked all the project proposals and updates, the estimated costs, and various iterations of how to fairly allocate the anticipated funds to overlay with the priorities of the dozens of communities, the limitations of revenues, community and board input, various special-interest stakeholders (including a variety of environmental groups who actively engage in park issues), and staff expertise. He worked and reworked the list to find equity among the diverse communities and Board members' seven wards of representation.

“I developed a monster spreadsheet that I carried on my laptop to take to all these meetings to answer questions, take notes on recommendations, project on the wall when necessary, and to create specialized project sortings for geographical areas or interest groups,” he remembers. “All told, over those two years, I created more than 85 versions of that spreadsheet before we distilled it to the final, adopted project plan.” (Excerpts from one version of the spreadsheet are attached as Appendix 3b to provide some general sense of the level of detail developed, tracked, retained, analyzed, and balanced to complete the project plan.)

At the same time, Collins developed a finance schedule and project structure. The measure if approved would authorize sale of \$500 million in bonds, which met the threshold polling suggested taxpayers would support, to repay bonds issued in phases of \$50 million every two years over approximately 20 years. Such a schedule also meant developing scenarios to adjust to the downturn in property values in the recession (or other possible economic downturns over the life of the measure), as well as changes in census, consumer price index increases, and other variables. All had to be planned to honor the commitment to a \$10 per \$100,000 assessed valuation per household. (The first \$80 million in bonds was successfully marketed in mid-2009 with interest rates as low as the lowest available in 35 years, a great deal for taxpayers.)

Finally, the overall District effort was detailed with standard project management software used commonly in major construction projects. This continually updated schedule helped track tasks, due dates, critical path elements, and staff assignments, and reflected the relationships among a large team working together for the overall effort.

“Attention to detail is important, and there are a lot of details in an effort like this,” Collins says. “Forgetting critical details can cost the agency an election either at the polls, or afterwards through legal challenges.”

This language in this bond measure raised a particular, financially-related challenge. Specifically, language written as an ironclad promise, or guarantee, to never exceed a specific tax rate (rather than just the total amount of the bond) in effect could be construed to limit an agency’s ability to raise sufficient revenues to repay the bonds. This is the type of concern that can chase away the best bond firms and lenders. Collins worked with bond counsel to craft language that would provide the assurances both lenders

Tips and Guidelines

1. Developing a sound plan requires intelligence that captures public opinion and input. Polls, surveys, and other methods of gathering this information are vital to ensure your plan responds to public (voters’) priorities.
2. Start with a well-grounded team with complementary skills, a deep level of experience with the organization and community, and the ability to work well together as personalities. Make sure someone is highly organized and possesses the technical capability to capture the process as it evolves in a way that translates for many audiences.
3. Make sure the evolving plan’s format is interactive, allowing you to try variations or amendments quickly without re-inventing the document.
4. Roll up your sleeves and get out in the community. You don’t get a strong plan if you haven’t visited the community and learned its character and the actual services you may be providing at the grassroots level. The best spending plan is one that has been thoroughly and publicly vetted.
5. Develop a plan that is specific, but not cast in concrete. Give the public specific information and an opportunity to make it better.
6. Use accurate information and reliable estimates. There is no substitute for credibility of the information – now, or later when you try to implement the measure’s promises – **and be prepared to show your work!**
7. Be patient! There are few shortcuts to a solid plan. Remember that there were 85 iterations of Measure WW’s plan before the final was adopted.

and taxpayers would require, yet also meet the legal requirements being scrupulously monitored by District Counsel Ted Radosevich and the General Manager’s Oversight Committee.

As he undertook these macro-level issues, Collins also developed the criteria for the local project grant funding and a process for administering it over the life of the measure.

A final critical point on the financial front: Local elections can be outrageously expensive, as your county will charge you its election costs. The District’s election costs as billed by the counties for this two-county measure was in excess of \$2 million, which by law is borne by the District’s general fund – win or lose. “We planned ahead for several years, building sufficient funding in our budget to pay the two counties for this election. Even so, we underestimated the final bill. We ultimately retained an outside specialist to review the matter and help us challenge and renegotiate some of the charges,” Collins explains.

Collins was one partner of a three-man team that pulled together the financing, the potential for land acquisition, and the specific park development projects that had to fit together

to create a project plan for spending the proceeds of the extension. Assistant General Manager Bob Doyle oversees land planning and acquisition for the District and Mike Anderson is Assistant General Manager for Development, Planning and Stewardship. The three were partners on the long road to completing the Measure WW project list.

“Bob had a really strong understanding and foresight about where land might become available, who might be close to selling their property, what it might support,” explains Anderson. “Dave has a clear understanding of what is financially viable, how to balance the relative values and interests involved, and how to structure the polling and organize the process. And my piece was to try to overlay the two, look at the polls and all the public input we gathered in community efforts, and figure out what kind of park construction we could plug in to serve each community, where we had access and utilities and support, and how to choose projects in a way that provided equity in all communities.”

Together, the three created version after version after version of a plan, dividing the jurisdiction into six logical areas to ensure equitable distribution, and then capturing it in Collins’ monster spreadsheet. The final project plan included 67 projects throughout the District in phases over the 20 years of the measure, plus the potential for hundreds of smaller local recreation grants in every community the District serves.

To Go or Not to Go

As an agency completes the considerable work to draft a measure and create a detailed plan, its leaders must decide whether to go forward, officially submitting the measure to the county Registrar of Voters months prior to election. A number of factors will have helped form a recommendation and must be considered. They vary greatly with each issue and community, and there is no magic number of factors or standard checklist that must be met. But all help inform the final decision. Questions to ask of yourselves include:

Q: How many and what other measures are expected on the ballot? Are you asking for a tax or assessment while other agencies are doing the same?

Q: Do early polls show support for your vision?

Q: Does a majority of your leadership support the measure and have you tried to satisfy those who are less supportive?

Q: Do you want to place this on a general or special election ballot? Will the turnout favor your item?

Q: Are the most prominent issues expected on the ballot compatible with the voters you hope to reach and your issue?

Q: Have you gone to the well recently, or too often? Have you tried this measure before and failed, and if so, have you waited long enough and/or addressed the factors that help doom the earlier effort? Or, have circumstances changed?

Q: Do you see the outside interest to feel confident an independent campaign will emerge and fight for your cause? Conversely, have you done the community work and planning to satisfy as many would-be opponents as possible?

Q: Do you have the resources to pay election-related expenses, and is your policy body willing to allocate those resources? Do you have the staff time, skill, and organizational consensus necessary for several years of preparation?

Part Two: Assembling a Team



The Case for Outside Expertise

Elections and election politics are not a project for the do-it-yourselfer. Even armed with a well thought-out measure, a keen sense of public opinion, and an outside campaign structure, presenting a successful ballot measure requires specialized expertise.

Among the most common (and costly) mistakes many local agencies make when putting forth a ballot measure is to shortchange themselves on expertise. It is ironic that public servants pride themselves on being non-political and therefore, it follows, have little expertise in the field of politics, yet somehow believe they can effectively present a winning measure to their electorate without the help of experts to present a viable ballot measure in a political environment.

This delusion is further fueled by an unwarranted belief that if the measure is “the right cause,” the voters will recognize and embrace it. This pattern is regularly repeated among local agencies throughout California and somewhat baffling in view of the equally common belief in local government circles that the public doesn’t understand or appreciate their services. Considering the large number of ballot measure losses each election cycle, it seems that some local agencies suffer from the classic syndrome of continuing to do the same wrong-headed thing while expecting different results. In this section, we will explore a few of the vital forms of expertise that can benefit your effort to move forward with a ballot measure.

Keeping a Pulse on the Public: Pollsters

Conducting voter opinion polls can be time consuming, expensive, even distasteful to some. It is also essential to putting forward a winning ballot measure that appeals to the public’s priorities and, therefore, inclination to support you in the voting booth. Dr. G. Gary Manross, CEO of Strategy Research Institute has provided polling services for the East Bay Regional Park District for many years and election cycles. In his experience with District ballot measures since the 1980s, Manross has conducted polling

for many Park District measures, beginning with Measure AA in 1988. All but two passed. In both cases where measures failed, he predicted the loss.

“It’s really quite simple,” Manross says of the decision whether to conduct polls. “Either you want to make an informed decision regarding a ballot measure, or you don’t. Polling voters allows us to find out what people want from their government, and how much they are willing to pay for it.” It is crucial that an agency sponsoring a ballot measure goes into it armed with reliable information and updates that information along the way.

Polling at critical stages provides valuable information to help draft, amend as needed, and measure the success of the campaign strategy and your own outreach efforts in persuading voters to support the measure at critical junctures along the way. Manross also employs a “go/no-go” survey model that can provide an agency a sort of exit ramp if it appears the agency is pursuing a losing cause. Public opinion polls may cost money; failing to conduct them while investing staff work into an uninformed ballot measure effort can be far more expensive. And, it can damage the potential to put another measure forward at a later date.

Polling makes good economic sense as well. Out-of-pocket election expenses of more than \$2 million, win or lose (not including staff time, the cost of public information), mean that going forward with a ballot measure is a major taxpayer expense that requires strong justification and the highest probability of success, which polling can provide. In the case of Measure WW, polling costs represented less than 5 percent of out-of-pocket District expenses to prepare for the election.

Getting the most out of money spent on polls requires timing and the right pollster. Much can depend on the type of ballot measure, the community, and the length of start-up time. In the case of Measure WW, thought likely to go to the voters in November 2008, a recap of the polls conducted may help guide others:

- **January 2007:** Early polling to gauge public reaction to very specific issue questions. Results showed 76.5 percent of likely voters support continuing the tax approved in 1988 as Measure AA and due to run out of funds. But poll results showed greater support when the wording asked to “extend” the tax, rather than “continue” it. The same poll made it clear the public would not support an increase in the tax rate although an increase would have allowed the District to further achieve its goals over the life

- of the measure. The poll's results also met the criteria set for the "go/no-go" model, establishing a high degree of confidence that a well-run campaign would succeed in November.
- **January 2008:** Second poll as election year dawned. Economy began slipping and support dropped to 72 percent. Still met the thresholds set in the "go/no-go" model.
 - **June 2008:** Mid-year poll included actual draft measure language and showed support climbing slightly again to 73.5 percent despite further sagging in the economy. Public education and outreach by the District was in motion. The outside campaign committee was raising money and becoming active. Results provided confidence that the actual draft language of the measure was responsive to public priorities.
 - **November 2008:** An exit poll was conducted, providing insight regarding the factors that helped Measure WW and voter preferences that may help the District plan services or draft future ballot measures, should that be necessary.

The District has conducted these and other surveys and polls at District expense unrelated to a specific election as part of the continuing efforts to keep a finger on the public pulse and gauge customer satisfaction. Embedded in the data from one such poll done during the Measure WW effort was a finding that voters in one

Tips and Guidelines

1. Accept that polls are crucial. They will provide road markers to support your vision, provide guidance in shaping your measure's details and target resident groups that need attention, or offer a reality check on your perspective.
2. Invest in a professional, experienced with customer satisfaction tools and with local ballot measures.
3. Listen to the polls and don't be afraid to change course as appropriate to reflect the priorities of the public.
4. Commission polls at critical points in the process: at conception of the idea, before moving to place a measure on the ballot, and along the process to measure the results of your work.
5. If respected pollsters conclude your measure will not meet with voter support, consider carefully before investing further time and money.
6. Conduct exit poll to inform future services, ballot measures.

urban community where support was not as strong as expected placed a high priority on creek restoration. The project plan was adjusted to include more creek restoration and public affairs went to work headlining that aspect of the plan. Measure WW ultimately won in that part of the community. It was a pivotal point in building a WW strategy that may not have been identified were it not for the polling ordered by the District.

Based on the plans developed and polls showing more than 70 percent support, the Board of Directors voted to submit the measure to the voters in November's General Election. The District paid for the polling services to gather valuable information from the public about what they wanted from their regional park system, and they listened to those polls. Had the results been different, the measure likely would not have been put on the ballot.

Your Story Won't Tell Itself!

The best-crafted ballot measure for the most righteous of causes stands a strong likelihood of failing if you do not tell your story plainly, loudly, and continuously to the voters. Some agencies handicap themselves at the onset by shortchanging the effort to communicate the issues to the public and their stakeholders. First, many public entities view public affairs and community relations activities as "extras," dedicating from zero to very few resources to such functions and reducing that commitment in difficult fiscal times. It is a striking contrast to the private sector, where companies often rely on public affairs and public relations activities to push them through the down-cycles in business. Second, public agencies often compound this failing by assuming that the cause they are putting forward is good, and therefore will be supported by voters. A false perception that any public outreach violates strict State laws further limits their potential in presenting ballot measures.

These attitudes can be debilitating when an election is at stake. Further, they neglect the fundamental right and responsibility of government to keep the public informed and educated about serious matters of public policy. A public agency is obligated to communicate with the public extensively when it is asking for the voters' authority for a special tax to fund a capital program or service.

If there is one area of activity that permeated every aspect of the effort to pass Measure WW and is credited by virtually everyone connected

with the measure as integral in WW’s success, it is the public education and information program managed by the Public Affairs Division of the District. Those from other arms of the WW project, both among staff and from the outside campaign, return repeatedly to the reality that this was not a short-term communications plan that coincided with the months of the campaign, but a long-term vision and commitment that began several years before election and involved a wide array of collateral materials, appearances, news media strategies, community relations activities, and ongoing “branding” efforts. In the case of the East Bay Regional Park District, such activities are aggressively pursued whether or not there is a ballot measure to explain. For WW, Public Affairs developed, implemented, and adjusted an evolving communications strategy that began two to three years ahead of the November 2008 election based on the high likelihood that the Board of Directors would move to extend the highly successful capital bond act first approved in 1988 as Measure AA.

Planning and Using the Plan

District Public Affairs has continually set goals and objectives for its work and strategies and a timeline to achieve them. The Division also plans at a project level, developing specific communications plans for such high profile issues as the 75th Anniversary year, the grazing plans within the parks, development of major parklands, significant environmental issues, and ballot measures. The strategic communications plan that served Measure WW features more than a dozen iterations and updates – each one emerging from a constant set of principles, messages, and themes to serve the project, and featuring a wide range of strategies that could be adjusted as events warrant a change in direction.

The plan’s format will vary according to an agency’s style or preferences – there is no one way to compile the plan (see appendix for a sample iteration of the Measure WW communications plan). But all effective communications plans share some common elements: an agreed-upon set of key themes or messages, a list of identified target audiences, a set of strategies to reach those audiences using available resources, and a timeline. Obviously, it is also important to monitor progress, updating the status of the plan and reassessing for possible changes in course or strategy.

The Park District has long recognized that the effort to develop a few key messages to serve an issue is the foundation of a communications plan that will effectively connect with the public and the specific audiences it hopes

to reach. For example, here are a few of the key messages that were constant refrains along the course of the Measure WW effort and were echoed in every communication strategy and to every audience:

- Measure WW would extend a successful, existing measure at no increase in tax rate;
- It would allow the District to continue protecting open space and parklands, and developing local parks projects in every community;
- The District delivered on its promises over the two decades of Measure AA (WW's predecessor), completing hundreds of park projects and leveraging every dollar into another dollar of funding from other sources.

Agencies seeking the best chance for success at the polls plan early and provide continuous public outreach. At EBRPD, Public Affairs was working its plan toward Measure WW in 2005 and 2006, long before the measure had a place on the ballot or even a name. "We were rolling out updated information on all we had accomplished using Measure AA since 1988," Community Relations Manager Carol Johnson says. "It was consistent with our continuing branding efforts, which, in turn, set the stage if the Board decided to go for the extension.

"We were working on improving our website, attending breakfasts, events, and mixers in the community, we did presentations, customer surveys, and made sure our messages were consistent everywhere we went."

Assistant General Manager for Public Affairs Rosemary Cameron recalls that the District began the specific outreach for Measure WW immediately after obtaining voter approval for a new special excise parcel tax in 2004 to finance operations. "We just never let up – we kept the same heartbeat going from the day the 2004 election was over, beginning with more polling and satisfaction surveys among park users."

By 2007, the Division was implementing a sort of pre-WW communications plan to step up reports to the public about the District's accomplishments using the proceeds from Measure AA. That outreach continued a theme they had been shouting virtually since winning AA in 1988. The 2007 plan increased strategies to serve that theme to prepare the ground for the 2008 election.

The plan to celebrate the 20th anniversary of AA began a year earlier, in 2007. A centerpiece of the celebration was a series of community leadership breakfasts hosted by Board members in their respective wards focused on the accomplishments of AA and the District's future. Other activities included dozens of news interviews, community events, speakers' appearances, website materials, and discussions with interest groups in the community.

Also in 2007, the District's contract pollster, Dr. G. Gary Manross, conducted the first community survey of the general public using the random telephone method, rather than polling only registered voters as traditionally done by the District. This survey, while not geared towards voters' attitudes on a particular funding measure, nonetheless provided valuable insight into general public knowledge of the Park District, its parklands and programs, and how they get information about the District. The findings would help Public Affairs shape its plan and strategies as the 2008 General Election approached.

This kind of full-court press does not come cheap, as so many in local governments hope it will when they decide to take a ballot measure to the voters. The production of special public education materials was the most significant additional cost to the Public Affairs budget. The Board allocated \$150,000 for brochures and other materials that would reach more than 2 million residents in the two-county district during 2008. The District also paid for pollster Manross to conduct public opinion polls and customer satisfaction surveys, which were closely watched to guide continuous improvement in customer service, and help plan for the parks' future. But the information gleaned was also valuable in helping shape Measure WW, its project list, and the public affairs strategy to take it forward.

While these are sizeable investments, most of the strategies contained in the communications plan and discussed here are strategies that required the expense of staff time, not District dollars.

What's in a Brand?

As impressive as the above may seem to local agencies with fewer resources committed to public affairs programs and services, it is the tip of the iceberg. For the Park District, it is a two-decade commitment to branding – establishing its identity and building trust within the community

on a continual basis. This was both natural and possible for the District due to the long commitment to public affairs at the agency.

“When I first came here, there was a limited public information effort, but no marketing strategy, no significant public outreach or publications telling the District’s story or appealing to the public to use the parks except in the effort to pass Measure AA,” recalls General Manager Pat O’Brien. “We provided services, but we needed outreach and access, and a communications system so the public would know of those services and recognize us anywhere. I saw a direct link between those things and knew public affairs activities were critical to that linkage.”

Indeed, then-General Manager Dick Trudeau formed the public information office in 1964, establishing what has been a 45-year commitment to outreach. Prior to his appointment as General Manager, Trudeau himself had managed public affairs for the District at the direction of then General Manager William Penn Mott.

But it has been O’Brien who grew the office into a far-reaching and widely respected system of community relations and public affairs. Today, a staff of 17 full-time positions manage public information, community relations, ongoing and special publications, signage in the parks, graphics needs, and staff a community foundation to support the parks (three positions). Many were deeply involved in the drive to educate the public and take Measure WW into the community – some devoting a significant portion of their work time to the effort.

In addition, the Public Affairs Division put into play its volunteers, community supporters, and personal services contracts to supplement the staff and focus on specialized tasks. There was plenty for everyone to do.

As impressive as the District’s commitment to public affairs is, it cannot be effective unless the organization uses it wisely, according to Cameron, whose position as an Assistant General Manager reflects the organization’s value of Public Affairs. “Leadership has always embraced (public affairs) as a vital part of the team, and viewed me as an equal among the District’s executive team. And we deliver.”

Cameron notes that pursuing a ballot measure requires regular, close interaction with the District’s leadership. “I can’t imagine how my team could carry out the right message and strategies if I hadn’t been at the table

with the General Manager’s WW Oversight Committee for almost two years. An agency that waits to involve Public Affairs until an important project gets to the final stages is short-sighted.”

This interaction allowed the Public Affairs Division to develop a long-term plan. “We had a plan from early on and we followed it,” Cameron recalls. “We delivered on the strategies we planned. If we forgot something, we adjusted and switched or added strategies, such as when we realized that the Chambers of Commerce in the cities are a valuable community audience we were neglecting. We added in an ambitious speakers’ bureau schedule and took our story to dozens of Chamber meetings in the months preceding the election.”

All told, Public Affairs coordinated hundreds of appearances to reach every constituency during 2007 and 2008, developing presentations and materials, staffing many of those appearances themselves, and supporting District elected and appointed leadership as they attended many more.

Public Affairs also made sure that the District website had a dedicated space for Measure WW news. Electronic media, including social media sites, now offer more ways than ever to reach residents essentially free of charge, offering the opportunity to post the project plans and announcements of all forums at which the public can meet firsthand those who are developing the measure’s spending plan. Cameron reminds agencies that online they can easily add information fact sheets or brochures, columns or letters from the agency leader, and key messages and goals for the measure – everything educational that does not advocate.

While it is difficult to track hits to all online sources of news about Measure WW, the East Bay Regional Park District reports more than 800,000 page views of its website over the two months prior to Election Day 2008, and through the end of November 2008. They do know that thousands of viewers took menu choices from the home page, where the most viewers enter the site, to view pages that contained news related to Measure WW.

Obviously, it is also a primary responsibility of Public Affairs to place and pitch news and feature news stories in the media, monitor news coverage and respond as needed, plan for editorial briefings and write guest articles for community newspapers and alternative media, ensure that news is available to multi-lingual media outlets, and conduct all normal media relations activities.

District Be Nimble; District Be Quick!

Adaptability and the ability to respond quickly were crucial when just three weeks prior to the election the District discovered that the Registrar of Voters in Alameda County (the majority of the jurisdiction) had left the title off the measure in the official voters' pamphlet mailed to all voters. While lawyers and leadership dropped everything to wrangle concessions from the Registrar to help mitigate the damage, Public Affairs went into overdrive, placing newspaper ads, issuing direct mail pieces, posting website information, pitching news stories and providing interviews for print and broadcast, and prepping staff leadership to make the most of the strategies available to counter the problem.

“Being nimble is as important as being flexible,” Cameron points out. “You may have done everything right for months or even years, but the totally unexpected can undo your good work if your agency cannot change course and respond quickly when crisis hits. And that response is usually going to require the full team to respond – in this case, it required political and staff leadership, in-house and outside counsel, public affairs, and others, to minimize the damage.”

Sometimes responding quickly to changes in the political landscape requires only subtle adjustments that can have profound impact. Such was the case with one slight message change inspired by the dramatic drop in the economy in the month prior to Election Day 2008. As pundits began to question the advisability of asking for a tax continuance during economic free-fall, Board Member Ted Radke resurrected a theme contained in a news article a year earlier, but perfect for the new economic order. This excerpt was found in a November 2007 lead editorial in the *Contra Costa Times*, suggesting early support by that key newspaper for what would become Measure WW:

“The reason the East Bay has one of the most extensive urban park systems in the world is the long-range vision of the East Bay Regional Park District. During the Great Depression of the 1930s, park proponents had the foresight to raise money to buy huge tracts of land, much of which was then sparsely populated areas.”

This theme reflects the District's savvy at branding itself in a way that resonates with the public and adapting with specific messages consistent with that brand when an issue requires it. The Great Depression reference was echoed in the waning hours of the 2008 election season in many

forums. Ultimately, Measure WW lost very little support even as the recession deepened close to Election Day.

The public outreach effort for Measure WW had many tentacles delivering clear, consistent messages over several years and throughout every pocket of the two counties the District serves.

Cameron also stresses some core principles for success:

- The task is exponentially easier and more successful in agencies committed to a long-term public affairs component staffed by seasoned professionals who work closely with agency leadership.
- Similarly, you are halfway there if you have continuously “branded” yourselves, solidly establishing an identity and credibility in the community.
- Public affairs leadership must be at the table, participating on an equal level with other executive team members on an ongoing basis throughout the process, from conception through the “thank you” phase after the election.
- Agencies cannot hide behind campaign restrictions to avoid the responsibility of providing vital public education and information to the community. Recognize that public outreach is a right and a responsibility, as well as crucial to your success.
- Many outreach activities require using staff time and existing communications vehicles or resources – not additional money. But the budget required for educational materials or outside help to inform the public is a necessity, not a luxury.
- Your website and other electronic media tools are powerful weapons to wield and relatively free of additional cost. Use them all and update them frequently with news of the ballot measure.

Tips and Guidelines

1. Start very early. This includes a years-out commitment to branding.
2. Make a plan – then follow it.
3. Adjust the plan as needed.
4. Repeat Steps 2 and 3.
5. Keep messages simple and positive.
6. Listen to polls.
7. Leverage everything and everyone into multiple strategies, tasks, and resources.
8. Expect to work very hard.
9. Stay out of the campaign and work closely with legal staff to keep clear of the line between agency roles and the campaign.
10. Call in additional outside help if you need it.
11. Budget for collateral public education materials, surveys, consultants’ time, and expertise needed to implement your plan professionally.

Leadership

Measure WW and other measures put forth by the East Bay Regional Park District over recent decades have benefitted from a positive organizational culture. Such a culture cannot exist, of course, unless at the top of that organization resides positive staff and political leadership nurturing it.

On the staff side, the executive orchestrates the multitude of tasks necessary to present the public with a thoughtful, responsive, and credible ballot measure – dedicating as many extra hours as necessary to see the staff work is done, and done well. During the two years leading up to Measure WW's day on the ballot, General Manager Pat O'Brien also dedicated countless hours of personal time and contributed personal funds to the Campaign Committee.

O'Brien assembled and supported each step of the way a staff team to direct various non-campaign, operational efforts, including:

- Finance plan for the bond issuances;
- Citizen engagement to develop a project list for spending plan;
- Land acquisition and park development plans;
- Community sharing grant program;
- Public affairs and community education regarding the measure;
- Public opinion polls and surveys to ensure that the measure put forth responded to public priorities;
- Drafting of the measure;
- Related legal filings;
- Assembling a Measure WW Oversight Committee comprised of his executive team that worked for two years. The Oversight Committee met monthly to ensure that the staff worked to prepare a project plan and ballot measure that was done well, responded to the public's priorities, and would be matched with an accurate, responsible funding plan.

But a full-court press staff effort is not possible without the leadership and support of the policymakers. The Board of Directors were also active participants, committing time and thought that went far beyond the vote to go forward with the measure. Board Chairman Doug Siden spent 18 months heading the campaign committee, launching the front-end

planning and fundraising work almost a year before the issue was officially filed. Board members Ted Radke, Beverly Lane, and John Sutter also served on the campaign committee while other members of the seven-person board participated at various points. All seven focused in their respective wards (districts) to get endorsements, raise money, make presentations to civic groups, and inspire ground campaign participants.

Clearly, an agency headed by a unified policy board has a significant leadership advantage over an agency in which the elected officials disagree about going to the voters. This advantage can also translate into support for the staff and the resources (time and money) needed to conduct the staff activities to prepare a serious ballot measure. However, once a board of directors, board of supervisors, city council, school board, or any other local policy body has voted by majority to proceed with a ballot measure, every effort should be made to help the entire board or council's members find consensus and play an active, positive role in the campaign.

“A good example of fostering leadership in the Measure WW experience was the series of workshops Pat O’Brien and Dave Collins put together for the Board,” recalls Board member Beverly Lane. “I admit I was resistant at first, as were some other board members and even some of the staff that were involved. But it turned out those sessions were very useful and helped staff put together a plan for the proceeds that had something for every ward, and to respond to the priorities of each board member. And that resulted in buy-in from everyone on the Board.

“The workshops were also a way to keep us continuously updated and informed so we could take accurate and consistent information out to the community when we appeared on behalf of the measure.”

Lane also stresses that holding study sessions for the full Board proved extremely useful in revealing differences and generating honest discussions about those differences. “True, the sessions are posted and open to the public, but they are less formal and fewer people seem to attend, so they bring out the points of disagreement we needed to resolve in a productive way. I would advise any agency looking to put a measure on the ballot to conduct these study sessions for their elected officials.”

Board member Radke agrees. “Those sessions helped us find consensus, even if we didn’t agree on every detail of how to get to our goals,” he recalls. “The toughest disagreement was early on when we debated whether

to expand from the initial Measure AA formula, which worked so well for 20 years and voters understood. The work sessions allowed us to thrash that out and agree to stay with what worked in AA, and then work with smaller issues along the way to finalize a project plan for the bonds.”

Radke and Lane acknowledge the advantage a unified Board brings to an election process and the power of their ability as elected officials to bridge the world of the staff work and the outside campaign.

Many policymaking boards appoint a legislative committee, which can be extremely valuable in helping staff focus their preparatory work while serving as a liaison that keeps communications flowing between staff and the policy board. That committee should reflect Board diversity and can help building consensus among the policy body members.

Tips and Guidelines

1. Accept that policymakers will face disagreement among themselves, but work hard to find consensus on goals and key points early on.
2. Use your status as a bridge to enlist political support from influential leaders early, and then build on those endorsements.
3. Support staff. Recognize the hard work they will do, respect that their role must be limited to a professional one, and provide the resources and funding they need to do the job right. (Board Member Radke points to an example in which the Board increased the budget for Public Affairs Division significantly to pay for public education materials leading up to the election.)
4. Do credible polling using a professional pollster, then listen to those polls.
5. Radke advises that the organization emphasize public affairs and public information. He stresses that it is the function that threads through every aspect of the drive for a ballot measure. If you are neglecting that function now, don't expect to create a strong public outreach and citizen engagement effort for a few months in the campaign.
6. When interviewing political consultants, listen for the operative that understands the agency's strengths and existing resources, and builds on them.

Keeping Everyone in the Loop

Anyone who has worked in a large organization – especially a government agency – has experienced communications frustrations. Keeping colleagues in scattered locations and with diverse functions informed and updated, but without burying them in an avalanche of e-mails, reports, and memos, is a challenge. This becomes especially vexing during a ballot measure when reams of materials are being produced; everyone is overloaded with new responsibilities. Perhaps most problematic is that half the work is being done by an independent campaign committee and it feels as though the relationship is such that one party is working from a land for which the other party has no passport.

Each part of the effort can exercise common-sense techniques for keeping their team informed. As for communication between the staff and campaign camps, those separate efforts cannot be nor are they intended to be joined. But there are bridges that can occur naturally.

Proven tactics, formal and informal, can help an agency keep its staff working in concert toward a common goal of presenting a well-reasoned, planned, and responsive ballot measure for the voters' consideration.

Tips and Guidelines

1. Establish an oversight team or committee of executive staff. Meet regularly for updates and developments on all fronts. Follow a regular agenda and routine to make those meetings most productive and efficient. For more than two years leading to Measure WW on the November ballot, the General Manager's Oversight Committee of executive staff representatives met monthly to monitor progress on the project plan, financial component, public affairs and community relations effort, legal aspects and filings, and other tasks related to WW.
2. Keep your living documents such as the project plan in an interactive, online format to allow the most up-to-date versions and information to be available to everyone.
3. Use the website to post latest developments and information, both internally and on public pages as appropriate.
4. Provide monthly updates on ballot measure staff work to the policy board.
5. Hold an appropriate series of work sessions or study sessions with the policy board to further their input and confront any disputes or inequities they may perceive in the plan. Keep policymakers involved.
6. Maintain a collection bank of materials issued both by the agency and any outside campaign committee as soon as available. Review regularly to keep abreast of activities and to detect any problems or inconsistencies.
7. Embrace and involve recent retirees, or other agency-savvy people who volunteer with the campaign committee and may also be useful volunteers to the staff effort, bringing with them an inside understanding of the campaign's direction.
8. On your own time, try to keep a close eye on the campaign's website and outreach efforts.
9. If your agency hires a pollster to do non-campaign, customer satisfaction, and public opinion polling, he or she may also as a matter of choice visit the campaign as a resource and to gather useful information. That person can be a valuable bridge between staff and the campaign.
10. Keep employees informed with postings on the website, intra-net, memos – even brown bag informational lunches, if that works in your organization.
11. Make sure the staff and campaign provide courtesy information as appropriate. For example, sharing a courtesy copy of such items as brochures, speaking schedules, and the like can avoid duplicating efforts or working at cross purposes by issuing inconsistent messages.

Part Three:

The Emergence of the Outside Campaign



The Campaign Committee

Building the Team; Getting Started

The campaign committee obviously must operate at a long arm's length from the agency and its staff putting forth a ballot measure. It is a separation that must be scrupulously adhered to and understood by everyone connected with the measure.

If your agency has advocacy groups, special interest groups, and other organized support or natural political allies, the core of your campaign committee is likely to emerge from those sources. For example: police reserve associations will work hard for a public safety measure, many libraries can rely on a Friends of the Library group, and in the case of Measure WW, the Regional Parks Foundation brings highly successful community leaders to service on behalf of the parks. Labor organizations can be a major source of support, and were in the case of Measure WW.

Your elected policy board of directors, council members, or supervisors may be the conduit that approaches and recruits such leaders to the campaign. Some employees and union representatives may also choose to give off-duty hours as campaign volunteers but should never be asked by management to do so. In other words, while the professional organization and the campaign are separate operations as required by law, they share a common purpose that naturally bridges the campaign and staff efforts in a complementary way while maintaining a safe and appropriate separation between the two.

While every campaign committee in each community evolves from different roots, we will provide information into the formation and roles of a typical committee and its application in the case of Measure WW.

Your campaign committee will include (but may not be limited to) members in several key roles:

- Chair (and possibly co-chair).
- Finance chair (or subcommittee).
- Treasurer.
- Endorsement chair (or subcommittee).

The committee will direct the major activities of any campaign that cannot be conducted by professional staff within the agency:

- Hire and direct political consultant(s).
- Raise money.
- Hire and direct the professional fundraiser(s).
- Document donations and file required financial and campaign reports.
- Pay bills.
- Seek endorsements.
- Produce and distribute mass mailings, emails, pamphlets, other campaign materials (usually accomplished by hired political consultants).
- Coordinate with allied organizations (e.g., The Sierra Club, Save Mt. Diablo, and others with interest in Measure WW).
- Organize and coordinate “on the ground” efforts, i.e.: precinct walks, telephone banks, get-out-the-vote activities, etc.
- Conduct polls and research activities.

EBRPD Board of Directors member Doug Siden served as chairperson of the Campaign for Measure WW Committee and remembers the formative steps putting the Committee into action. Siden volunteered in early 2007 to serve as chairperson and was meeting with a core group of like-minded supporters soon thereafter. Fellow Board members Beverly Lane and Ted Radke also attended that first, formative meeting of the Campaign Committee, held in June 2007. Siden remembers early tasks on that agenda’s checklist:

- Discussed committee membership, focusing on criteria that would best ensure success: campaign experience, close community ties from diverse areas, a balance of focuses (e.g., both business and environmental activists were important to a regional parks measure), and a complement of skills.
- Formed a subcommittee to interview and recommend political consultants.
- Selected a professional fundraiser, developed contract, set fundraising timelines and goals.
- Discussed early fundraising strategies, contracted with a fundraiser.
- Identified a treasurer.
- Set earliest priorities and strategies; assigned roles and responsibilities.

- Began developing an endorsement target list and strategy, which would allow early fundraising.
- Delegated member to develop endorsement card.
- Chose name for the campaign, “Yes on Parks,” and assigned member to file for campaign number.

When seeking the right team, organizations may find that they have precious human resources in the form of talented and available retirees. Jerry Kent, a recently retired Assistant General Manager for EBRPD, proved the point in the campaign for WW. While Kent had retired a few years earlier, his passion for the District he served for decades was as active as ever, and he channeled it into the campaign. He filled several roles but focused on two critical tasks for which he may have been uniquely qualified: volunteering to work with staff in pulling together the communities within the District to develop a project list; and serving as a core member of the Campaign Committee, chairing the endorsement effort.

Retirees like Kent and others offer significant benefits and advantages to a campaign. They have agency expertise and historical perspective. They may have even worked on ballot measures in the past (as was the case with Kent). They may be retired, but continue to be lured by the agency or its mission and likely miss the connections and involvement in the community. They often are happy to reignite that involvement on a temporary basis. They have deep contacts in the community with those who may be campaign supporters and opponents, and the ability to approach them. Perhaps equally valuable is their ability to work on a volunteer basis with staff as needed while simultaneously working with the campaign without legal conflict. In effect, they may be a vital bridge between the professional and the political effort that helps organically promote a more consistent, accurate, and unified approach to the measure.

When the Campaign Committee began to tackle its tasks, they also set in motion a principle and a meeting strategy to balance the need for updates and strategic brainstorming and desire to avoid a culture devoted to meetings. In order to provide the most efficient yet effective stewardship of the campaign, they kept Committee membership to 22, of which about a dozen attended most meetings as their tasks were front and center. The Committee met monthly for 15 to 16 months, beginning at formation and continuing through Election Day.

“We also established routines right up front to make sure we kept everyone in the loop as much as possible,” Siden says.

In addition, a few District staff leaders like O’Brien, Collins, and Doyle volunteered significant personal time so they could attend as resources to the Committee. Stakeholder-group representatives, such as the Sierra Club, Save Mt. Diablo, and others either served on the Committee or served as resources to the Committee. Representatives of the two named organizations were also members of the Committee and tireless workers. Of course, the political consultants and fundraiser were frequent attendees at the Committee meetings and worked at the Committee’s direction.

Financing the Campaign

Financing a local ballot measure campaign is no small task given the often contentious nature of the modern political arena, the disenchantment of the public with taxation and politics, and the high cost of running a campaign, particularly in a higher-population environment. Many agencies seek a tax or bond measure during difficult fiscal times and a struggling economy, and therefore, campaigns are appealing to donors when usual donors may have little money to give.

The financing structure of a typical campaign has several parts. Measure WW was a textbook example of the goal-driven and effective financial operation. It was comprised of three major units of a focused team under the auspices of the independent campaign, working from a strategic plan:

- Finance Subcommittee with strong finance chairperson(s).
- Treasurer.
- Professional contract fundraiser.

Each unit played a distinct role in the financial element of Measure WW campaign. Each member of the team within those units held a clearly-defined responsibility and worked closely with the team for the effort. A campaign committee for a ballot measure effort should identify and put to work the finance team very early in the process. This team was in place and raising money as early as the spring of 2007 for a measure on the November 4, 2008 ballot.

Obviously, the funds needed to run a successful campaign are different in communities of different size, media makeup, cost of living, and nature of the ballot measure. The East Bay Regional Park District encompasses two urban counties in Alameda and Contra Costa counties. The cost of living is high and the population exceeds 2 million. The regional parks are generally perceived in this politically progressive community as a positive cause and the District is fortunate to serve an inherently popular issue. With this snapshot in mind, the Campaign Finance Subcommittee set a fundraising goal for Measure WW of \$400,000. Ultimately, they raised approximately \$650,000.

Campaign Finance Subcommittee

The Campaign Committee for Measure WW selected six to eight members for the Finance Subcommittee, led by co-chairs Eric Zell and Jim Summers. Zell is principal of his own campaign consulting firm, Zell and Associates, which has deep ties in the Contra Costa County portion of the Park District, but took on the Measure WW finance role as a volunteer. Summers was a past member of the Regional Parks Foundation whose professional life as a business leader has fostered valuable relationships within the development community and throughout Alameda County. The two were developing a fundraising strategy and putting their half a dozen committee members to work implementing it a year prior to the election.

“Frankly, that first several months before the measure was officially placed on the ballot were spent in educational activities with potential donors, or getting verbal commitments early from likely donors with vested interests,” explains Zell. “Part of that educational process is to persuade potential donors that if they are going to give money, it is better to give it early when it can have the most impact and they can get the most notice for doing so. It’s about lining up the dollars we will collect once the measure is on the ballot.”

For example, the Measure WW campaign recognized and benefited from the District’s traditional ability to be a conciliatory middleman between issues such as development and transportation in the East Bay, both of which need Parks District support at crucial times. Both communities were likely partners to support the District as it went for the extension of a property tax assessment through WW. Even the oil industry with its significant presence in Contra Costa County became an ally in WW due to its desire to have significant open space near its refineries and the Park

District's ability to provide that space. Zell notes that "you probably can't brand yourself with any better entity than the (East Bay Regional) Park District."

Tips and Guidelines

1. Select campaign committee finance members thoughtfully. Create a team that includes a broad spectrum of stakeholders. Measure WW found that 8-10 members were enough to be representative and share the load, yet not an unduly cumbersome number for practical decision-making. Include committee members who have campaign fundraising success. Find self-starters with access to various segments of the community of potential donors, and who are enthusiastic.
2. Use meetings sparingly but effectively. The Measure WW campaign finance team members met a very few times for in-depth planning meetings and by telephone a few more times. More of their time was left to the individual members to do the job.
3. In developing your fundraising strategy and identifying targets, consider partners with whom you can co-brand. Join hands to represent a mutually beneficial cause. Once you have the campaign finance committee established, work together. Brainstorm to develop a comprehensive list of targets for fundraising. Then sort out who best on the Committee to approach each target, and how to make that approach.
4. Give the members of the campaign finance committee specific and clear goals. Then turn them loose to achieve them.
5. Use a professional fundraiser. Give him or her motivation or incentive to perform well.
6. Begin early. Zell views the early pitch for donations as beginning an educational process for the fundraising frenzy later on. In many early calls, his committee members sought verbal commitments for the future.
7. Remind them of Zell's principle: "The first \$50,000 raised can have more impact than the last \$50,000 raised."

One dedicated partnership generated a powerful spark in the fundraising engine a year prior to the election. The Regional Parks Foundation, comprised of respected community and business leaders who support the regional parks, provided a \$50,000 contribution in the form of a challenge

grant. Once the Campaign Committee demonstrated it had raised an equal amount the Foundation contributed a second \$50,000.

The bottom line, according to Zell, a campaign veteran, is that you can raise the money for a good cause that has been well-branded among the voters. He believes the Regional Parks have done this as well as any public entity in Northern California. Furthermore, he believes you can raise even more money for a good cause in which people have a vested interest. Find those people, approach them appropriately, and you may begin financing your campaign. Summers adds that following this model, the fundraisers and finance people for a credible cause with credible campaign leaders can leverage donations to create more donations and otherwise support the measure.

Professional Fundraising

The Campaign Committee will contract with a professional fundraiser, commonly using the combination of a flat contract fee and a bonus incentive for exceeding the negotiated goals of the contract. Representatives first discussed the impending ballot measure with professional campaign fundraiser Laurie Earp in June, 2007, and executed a contract to begin fundraising immediately in December, 2007 – 11 months in advance of the election. The professional fundraiser’s tasks included:

- Making follow-up calls and outreach to potential donors contacted by Committee members;
- Calling and other methods of outreach to those on the target list that the Committee determined should be approached by the professional fundraiser;
- Identifying and reaching additional potential donors, as well as other strategies for fundraising, such as fundraising events.

The Measure WW Campaign Committee’s agreement with Earp was similar to previous campaigns on which she worked, combining the two to draft a compensation plan that everyone felt good about.

“We began with a fundraising goal of \$400,000, which I thought was ambitious, maybe even too ambitious,” Siden remembers. “Then we structured the contract to set a realistic, median, and optimistic goal for the purposes of compensating the fundraiser. Those goals were \$300,000,

\$500,000 and \$600,000, with graduated compensation at each level. Anything above \$400,000 earned her an incentive percentage.”

The Foundation provided significant “seed money” to launch the campaign, but Earp’s fundraising expertise was a significant factor in building a total treasury of \$651,000.

Like so many other tasks involved in a campaign, fundraising was a team effort, with Earp responsible for collecting pledges, encouraging and helping the Campaign Committee’s members as they sought contributions through their contacts, fundraising events, solicitation letters, and online donations.

“I view fundraising in concentric circles,” Earp explains. “You begin with your nearest and dearest supporters, such as contractors, vendors, partners, past donors. Your next circle includes natural supporters, advocates, and special interest groups such as the unions or environmental organizations. Then you go to like-minded individuals and members of stakeholder groups in the community.”

Earp doesn’t stress fundraiser events as much as some of her colleagues. “I plan a couple of events to kick off and get visibility in a target community where the demographics may help us,” she says. “But I don’t believe that lots of energy-consuming events are generally helpful.”

She considers each of the legally-defined contribution periods over a campaign timeline to be important, and strives to see strong contribution numbers in each one. “We began collecting donations 18 months prior to the election, which helps launch the campaign. It is also money that allows the Committee to leverage for more money and donations. But the real drive starts one year out and peaks about 6-7 months before Election Day.”

Earp warns that fundraising is not easy work, particularly in a recession as was the case in WW, and everyone must do their part. Despite her primary role, every Committee member has access to certain potential donors and must be engaged in reaching out to them.

“The Committee for Measure WW was stellar,” she says. “They spent hours with me helping compile a target list. But they also stepped up and made their calls, going through their individual lists. Bottom line: There is no way around the hard work and awkward calls.”

Some District employees choose to help with this effort on their personal time. Assistant General Manager Bob Doyle was mentioned as a senior employee who volunteered personal time making those challenging calls and meeting with high impact potential donors, yielding several significant contributions that strengthened the campaign war chest.

Minding the Treasury

Many sponsors of ballot measures and other political campaigns go awry for lack of strong fiscal oversight and careful adherence to the labyrinth of campaign laws governing every step of the effort. The campaign committee must involve a reliable and scrupulous treasurer at the very earliest planning stages – not just to manage the receipt, expenditure, and accounting of campaign funds, but to prevent missteps under the Fair Political Practices Commission’s regulations.

The campaign committee for Measure WW turned to Ken Moresi, who had served in a similar role for previous Park District measures. Prior to his first EBRPD campaign, he had never been a campaign treasurer, nor was that necessarily a requirement to do it well. Discussing his role, tasks, and approach to the job during WW, he makes it clear that patience, a sense of orderliness and respect for deadlines, and a willingness to ask questions, research answers, and ask for help from others are qualities that make this critical operation work and ensure the integrity of the campaign. Moresi maintains that even for a relatively small campaign, such as WW, he could not have done it all without his wife, Mary Moresi, serving essentially as his job-sharing partner.

The job includes two general areas of responsibility: Accounting for the campaign funds, and filing the necessary campaign financing reports with the Fair Political Practices Commission (FPPC). In addition, the campaign treasurer will likely be the person responsible for several important filings, including: forms to establish the campaign’s status applications as a 501 (3) (c) tax exempt entity, forms with the FPPC to open the treasury, and annual federal and State tax returns for the campaign. He or she will also file final tax returns after the campaign’s conclusion.

“It’s my job to keep the campaign out of trouble with the FPPC, and off the front page,” says Moresi. “I see the work as making sure we obey all the rules and keep complete records and accounting of the money we take and the money we spend.” In his two-person approach

to Measure WW, Moresi focused on the rules and banking while his wife did the recordkeeping.

While the paperwork is significant, the process is actually straightforward. Getting the campaign funded and established requires clear steps, some to be completed before the first dollar is collected and the campaign launched. For Measure WW, the Campaign Committee decided to have filings completed about one year prior to the election and significantly prior to receiving contributions. This cleared the way to focus on the campaign and not the process once the campaign was officially on. Filings by the Treasurer include:

- Open an FPPC file for the campaign using the Commission’s Form 410.
- File with the Internal Revenue Service for tax-exempt status, or 501 (3)(c).
- Complete regular and timely campaign contribution reports using FPPC Form 460 as required by the Commission. FPPC will provide a schedule of deadline dates, including instructions for using the forms, when the file is opened.
- Complete annual returns for the IRS and State Franchise Board.
- After conclusion of the campaign and debts are paid, a final tax return to the IRS and State Franchise will be required.

The treasurer’s accounting duties will include tracking all campaign contributions and expenditures by clear categories required on the FPPC regular reporting Form 460.

The FPPC can present an intimidating set of rules and procedures, but its staff can also be the Treasurer’s most important resource, Moresi found. “Use the FPPC 1-800 phone number to reach one of their advisory staff during normal work hours, and they will walk you through anything or find you the right resource,” Moresi advises. “Take careful notes during those phone conversations and try to do your homework with the FPPC manual before calling. Mine is dog-eared because I have probably read each part between 20 and 30 times over the course of one campaign. It answers many questions if you just look.”

The importance of rigid adherence to the rules and attention to these processes can’t be overstated. “The staff at the FPPC will work hard to help you do it right and keep you straight,” Moresi concludes, “but they will come down on you hard if you make stupid mistakes.”

Clearly, the first and most important step in starting the treasury is to find a treasurer who will increase the chances the job will be done completely, on time, and correctly. The treasurer needs to be a dependable and detail-oriented person, patient, willing to ask questions and do research, organized, and very good with deadlines. He or she should be fixated on scrupulous adherence to the rules and regulations to protect the integrity of the entire campaign, its members, and the public agency that placed the measure on the ballot.

Chasing Endorsements

The endorsement drive for any campaign can be viewed as developing a credibility list, one name at a time, the campaign becoming that much stronger with each added name or group. Various members of the WW Campaign Committee provided a sense of the development of the endorsement process, beginning with brainstorming sessions to simply compile names and organizations that may support the cause and persuade individual voters. It becomes a living document, subject to additions, deletions, and changing priorities as the campaign goes on.

Committee Chairperson Doug Siden and Endorsement Chairman Jerry Kent recalled the logical and common-sense approach to dividing up the work to chase hundreds of important endorsements. “The Board members took on the job of reaching out to other elected officials. They called the city council, elected supervisors in both counties, school board members, State legislators and the Congressional contingent, and any other locally elected official who helps represent the value of parks, the environment, and the importance of recreation to families,” Kent says.

Jerry Kent brought his depth and breadth of experience with the District to best advantage when he agreed to lead the endorsement drive for the Committee. His decades with the District had taken him into virtually every corner and community within the jurisdiction, developing strong ties with critical civic groups, special interest groups, and individuals.

Like Kent, some Committee members had long experience with environmental groups, local stakeholders, and community activists. Others were part of the region’s business community and focused on its leaders.

The Ground Game

Many foot soldiers from a variety of armies worked very hard to help Measure WW succeed, and no agency offering a measure should expect to win two-thirds vote without them. After the measure has been drafted, the exhaustive work to craft an implementation plan completed, the political expertise applied and polling done, and the money raised, it falls upon a network of supporters to help sell the measure in a way that staff cannot. They are an integral part of the ground game that will compile hundreds if not thousands of grassroots endorsements, visit community groups and get out the vote.

Ron Brown, executive director of Save Mt. Diablo, an environmental advocacy group in Contra Costa County dedicated to preservation of the area's environmental crown jewel, played a critical role in the Measure WW ground game. Save Mt. Diablo illustrates how a campaign can turn to like-minded partners in the community to advocate for a measure and bring needed forces to your ground game.

"It was really clear that the success of Measure WW overlaps with the goals and mission of Save Mt. Diablo," Brown explains. "We had a traditionally strong relationship with East Bay Regional Park District and it was important for our goals to do all we could to help WW pass." That included providing input in the initial process to plan a project list for spending the proceeds from bonds Measure WW would authorize. Save Mt. Diablo joined dozens of other stakeholder and special interest groups that attended the meetings and testified at a multitude of community forums during which the District sought detailed input for the project plan list.

"The second track of our effort came during the campaign," Brown adds. "We have an important environmental role in Contra Costa County and extensive relationships with city councils, the Board of Supervisors, and business and civic groups in that half of the Park District's jurisdiction. Save Mt. Diablo made countless presentations to those groups, sought endorsements, and worked at the grassroots level to get out the vote, educate our friends, distribute signs and literature – everything that goes with the ground-level effort to reach people in a good campaign." Brown himself reached down to the grassroots level, across activist citizen lines to fellow civic leaders, and above all by serving as a member of the Campaign Committee as Chairman of the Contra Costa County Campaign.

The Sierra Club is a natural ally for the Park District and causes that protect and preserve parklands, and the considerable weight of a Sierra Club partnership helped Measure WW. The Sierra Club has long been actively engaged in District issues and policies – often, as a partner; occasionally as an opponent; but always as steadfast supporter of the District’s mission and the regional parks. During the Measure WW campaign, the powerhouse environmental advocacy group brought both its political clout and its money to the drive. San Francisco Bay Chapter President Norm La Force served on the Campaign Committee. His chapter put up the money and office space for a full-time staff person to the campaign. And, with the Sierra Club came its sophisticated network of outreach. The chapter not only provided the endorsement and staff aid, it also distributed fliers at Bay Area Rapid Transit stations, community festivals, street fairs, and anywhere else that their presence could make a difference.

Save Mt. Diablo’s Ron Brown underscores the value of using partners in a good ground game for a campaign, but also summarizes what strengths help East Bay Regional Park District fulfill its staff and organizational obligations related to ballot measures well enough to gain voter approval repeatedly, and especially in 2008 with Measure WW:

“First, the District has very successfully brought parks and a wonderful trail system to the people, and the results are easy for everyone in this urban area to see, use, and enjoy. In other words, they delivered on the promise of WW’s predecessor, Measure AA, over 20 years. Second, they are led by a responsive, thoughtful Board of Directors and a very professional staff who are highly attuned to the public. And finally, when they take on a ballot measure, they do it right. They step up and do the work, involve the public in a meaningful way, and spend what they need to in order to do the staff work professionally.”

Brown says all these factors make it easy for the District’s community partners to get involved, and easy for them to persuade most audiences that Measure WW was a worthy cause. But easy sell or not, it still requires stepping up, doing the work, and making the appearances to show the customers the product.

Brown is just one very involved example of many who brought community energy into the campaign. Ground forces came from a multitude of community groups who support the District, share its goals,

or simply enjoy the parks. The Sierra Club also provided funding for a staff person to help coordinate the grassroots campaign for Measure WW.

The Cyber Ground Game

Certainly, Measure WW provided insight into a plan and process for putting forth a ballot measure by assembling the right team and using traditional and effective methods. At the District offices, where information went out to educate and inform the public about Measure WW completely separate from the campaign, staff found, like other local government agencies that placed measures on the 2008 General Election ballot, that they were exploring a brave new world of elections in which emerging tools such as Facebook, Twitter, YouTube, and blogs played increasing roles in elections. Measure WW was on the ballot at a historical point when social media was developing and its use exploding. The District and the separate campaign each used websites effectively, with the District reporting thousands of “hits” to the educational material regarding Measure WW posted on its website. The campaign also used mass emails effectively in their efforts to harness volunteer workers and raise funds.

But social media was just emerging and quickly proving its power in the 2008 presidential campaign that pitted relative newcomer on the national scene, Barack Obama, against higher-profile Senator John McCain. By Election Day, it was clear we were witnessing the unleashing of a powerful force in campaign politics.

The importance of the new media – especially social media – in today’s political process cannot be overstated. The speed with which tech tools burst onto the political landscape and redefined our notions about “grassroots” campaigning, fundraising, and public outreach was stunning.

One only need consider a few bottom lines from President Obama’s historical election in November 2008 to appreciate the role of the Internet and how it has changed elections forever. The numbers are staggering: millions of voters – especially young voters – met Obama online and followed his mass emails and blogs. Approximately 35,000 Obama for America volunteer groups formed through online tools. Three million people contributed \$500 million to the Obama campaign. The candidate had tapped into the donation potential of the masses, increasing the power of America’s small donors in an arena long dominated by the wealthiest contributors. These cyber-followers contributed to building an email list

of 13 million names (creating a ready base for a reelection campaign in 2012). All counted, more than 1,800 campaign-related YouTube videos were created. On-line supporters turned into ground workers, campaign volunteers, and donors.

The campaign also took advantage of readily available, cost-effective advertising online, reaching millions of Americans unhappy or affected by the sinking economy. It became a valuable complement to the advertising campaign in traditional media.

A minor historical footnote is telling: While the Obama campaign included at least 90 people working on new media strategies, Republican opponent Sen. John McCain had four workers devoted to new media.

All this was achieved using barely-minted tech tools. Facebook was registered as open to all in 2006, two years after being founded for college students. Applications for Facebook pages became available in early 2007 and as of this mid-2010 writing, Facebook boasted 500 million active users. Twitter's free mini-blogging service started posting its 140-character missives in 2006.

In 2009, early rumblings from the next campaign season make it clear that others have learned the lesson. The four major California gubernatorial candidates at the earliest stages of campaigning were all actively involved in social media. Representative Tom Campbell, congressman from the Silicon Valley since 1988, is a veteran campaigner dating to the pre-Internet era. Like most successful politicians in the late 20th Century, his war chest focused on mass mailings, broadcast and print ads, and getting as many news appearances and interviews as possible. Today, Campbell talks to supporters through Twitter and Facebook, emails his constituents on issues of the day, and writes hundreds of blog entries detailing his daily life, and sharing campaign stories and tidbits that help voters feel connected to him.

It is ironic that such "unseen" mass communications allow campaigns to bring voters an almost intimate sense of involvement with the issue, campaign, or candidate. Further, that intimate connection is achieved at far less cost than traditional methods of outreach. Clearly, there remains a place for the old strategies, but today's informational outreach effort must walk on both legs or risk stepping aside for campaigns that do.

Political Consultants

Measure WW shines a spotlight on the difference professionalism can make when an agency is serious about its role in presenting a ballot measure and its outside campaign committee is serious about its role in selling it. Working with the WW Campaign Committee were two political consultants experienced in East Bay political campaigns and bringing complementary skill sets to the effort. John Whitehurst's firm, Whitehurst/Mosher Campaign Strategy, focused on political strategy, mass mailings, and media outreach. Doug Linney specialized in environmental issues and focused on field work – community outreach, stakeholder groups such as various environmental organizations who follow Parks District issues, etc. The partnership occasionally overlapped in approaching tasks but also gave the campaign flexibility. For example, with two firms sharing the work, the team had choices when the campaign confronted a stakeholder situation in which one consultant had better connections or credibility with that stakeholder group.

In separate interviews, Whitehurst and Linney echo virtually the same themes when evaluating the Measure WW Campaign Committee and the East Bay Regional Park District's approach to offering ballot measures. "First, the District is experienced – they've done this a number of times," noted Linney. "Polling, writing language for a measure, packaging that measure, communicating it to the public – they have developed a real level of expertise over the years."

Linney emphasizes the long planning effort the District conducts as crucial to success. "They go out there, they get the community's input and are a familiar face at every city council, board, stakeholder group – whatever it takes to make sure they are not vulnerable to small splinter groups that if neglected can defeat a measure. And, as good as they are, they practice constant improvement. This is especially true in Public Affairs, where they've only gotten better each election I've experienced with them."

Whitehurst agreed. Both consultants stress that too many public agencies neglect to build a culture of community relations and public outreach on an ongoing basis, banking instead on hopes that a short-term push into the community in the months leading to election will build that "brand" in the community and establish credibility. Where many cities, counties, and districts may have one public information or community relations professional or a staff member who carries the function, the Parks District has for decades kept its commitment to public affairs through a diverse,

expert staff of professionals. Their role is to connect the District with the community it serves through myriad programs and outreach efforts. Whitehurst put it succinctly:

“In my opinion, the Parks District’s Public Affairs program is unrivaled in the region when it comes to putting out quality, relevant, information to its public, and doing it as many ways as it takes to be responsive and build its brand.”

Board Member Ted Radke cites this valuable asset as an insight he sought when serving on the Campaign Committee’s subcommittee to select political consultants. He recalls that during the interviews, only one political operative noted the District’s outstanding Public Affairs program and specific ways he would build on its strengths when developing a strategy, rather than try to replace it.

Following are common failures or problems political consultants report having encountered among agencies that lose ballot measures:

- Failure to build widespread support for the measure. It is critical to bring your policymakers, stakeholders, and the community together to create a high degree of consensus for the goal.

Tips and Guidelines

Political consultants agree that a few traits characterize local agencies best positioned to achieve passage of a ballot measure:

1. They establish a culture of experienced professionals. A long-tenured staff and policy board, unified behind the goals and the ballot measure, are a mighty tool.
2. They practice a continual and long-term commitment to public outreach, community relations, media relations, and other public affairs activities that “brand” the agency and constantly connect it with the public.
3. They consider an ongoing system for support and fundraising. The East Bay Regional Park District has a Foundation in place that can easily serve a limited but important role as part of the fundraising and campaign apparatus when an election approaches. This network, as well as District officials, accept the cost of going forward to election in an urban county and commit to the effort.
4. They use passion for the mission and the cause. This is aided by employees who are passionate about their work for the District, and who voluntarily step forward during off-duty times to provide expertise, time, and, sometimes, their own money to the campaign.
5. They are able to anticipate and sense the needs of leadership and the public, and are willing to work long and hard to prepare a ballot package that reflects those needs.

- Failure to accept that the staff work and preparation for a ballot measure take money, just as the outside campaign does. “Merely believing you are fighting for a just cause isn’t good enough,” Linney points out.
- Failure to listen to research. The Park District takes polls and public research seriously and views them as signposts from the people.
- Failure to plan far ahead and/or failure to involve the public each step of the way.
- Going it alone – again, usually to save money. Ballot measures are very specialized projects. Law, lack of experience, and lack of time all conspire to stop agency staff from developing that specialized skill set.

Part Four: The Intangibles



The Intangibles

This report has attempted to guide the reader through the nuts and bolts of pursuing a local ballot measure. It explores the elements and actors in an election effort, the costs, and the lessons learned by one district with a strong track record for achieving voter support. What it can't do as easily is provide an easy recipe that assesses the value or cost of intangible factors that can greatly influence the outcome of an election. But we can note a few that we recognize were either important parts of the community DNA in which the District positioned Measure WW – or could have been major obstacles to success. Some may affect your decisions and the approach you take.

Political Identity: There can be no argument that the East Bay region of Northern California is a collection of communities of diverse political identity, but that collectively, they comprise a region in which a progressive populace is highly supportive of environmental causes. The region's very political identity tends to support environmental preservation, open space, and parks. It is part of the vision that inspired the District's formation in 1934 by concerned area civic leaders, and a major factor that explains why it has grown to become the nation's largest system of urban regional parks. This political identity is obviously important to the support the District enjoys from its public. But it is also the District's track record as stewards, managing this trust that continues to earn the public's devotion to the regional parks.

Economy: It is the luck of the draw when a tax measure is placed on the ballot and the economy plunges into deep recession one month prior to Election Day. But that is what occurred just prior to the November 2008 general election. To a great extent the recession of 2008 fell under the heading of "beyond our control." Nonetheless, the Campaign Committee, staff, political leaders, and professionals quickly geared up to respond to potential concern from the public and pundits that Measure WW suffered from bad economic timing, elevating the themes of a "continuation without increase in tax rate," and the increased importance of publicly accessible recreation during economic downturns. The message harkening back to the Great Depression was echoed countless times in the 2008 election period, and provided the public with an important historical linkage to the community's core values.

Organizational Culture: Many threads make up the fabric of this organization's culture: longevity, experience, team character, quality control, staff morale, flexibility, and feeling of purpose. For example, the dedication and longevity of the General Manager, staff, and even political leadership within the East Bay Regional Park District exceed the norm in local government, with the average tenure for staff hovering at about 20 years and an elected Board that has seen only two turnovers in the past decade. Further, the District recognizes it is blessed with a mission that engenders passion among staff and attracts employees specifically drawn to a career working in parks or in park management. This is unusual in local government agencies and difficult to replicate in cities or counties where the mission is less focused, political viewpoints likely more diverse, and sometimes careers are entered for convenience rather than a passion for a particular public cause.

Political and Staff Leadership: In addition to the aspects addressed above, political leadership at the East Bay Regional Park District is characterized by a strong team identity and approach, despite very different political perspectives and wards of representation. This is fostered in part by the team character of staff, and the long tenure of general managers at the District who work hard to encourage unity of purpose and principles among the Board. Pat O'Brien had served as General Manager of the District for 20 years as he led the staff work to plan Measure WW. Perhaps more importantly, he remembers what it was to be the new General Manager when Measure AA was passed in 1988 – a significant background detail that helped inspire him to commission this report on the process of developing and putting forth a strong ballot measure. (Park District leadership is well aware that the baby-boomer retirement era will cause the greatest degree of turnover the District has every experienced and with it, the looming loss of institutional history.) This is a factor that is unfolding in many public agencies grappling with a talent drain that has been exacerbated by a wholesale funding crisis among local government agencies, which has also led to layoffs and early retirements.

Experience: The District has appealed to voters 10 times over its 75-year-history and has gained a great deal of institutional experience in posing local ballot measures. This report was commissioned in part to pass that experience and knowledge along to the next generation of District leadership, as well as public agencies who may never have been through the process of presenting a ballot measure.

Brand: This sometimes mysterious, abstract term is nonetheless crucial: For what is your agency known? How does your public perceive you? What consistent visual and emotional images do park users, taxpayers, civic leaders, employees, interest group leaders, and others have of your agency and services? How cohesively have you portrayed your brand through publications, advertising, public signage, informational materials, websites, and virtually every reflection of your organization? If you do not know the answer to this, it is time to start building a brand for yourself. It will take years to establish as a community identity, but it is a mighty weapon when the time comes to ask voters for their support.

Best-Laid Plans

No amount of detailed planning, analysis, and review can guarantee that there will not be surprises after a ballot measure passes – especially those dealing with huge sums of money that many different groups may turn to for funding. In other words, you should not be surprised to find in the years after passage that you had no idea just what you didn’t anticipate until it crops up. Measure WW and its predecessor, Measure AA, each provide a case in point – one resulting in the evolution of a better structure for distribution of the funds; the other concerning the unexpected appearance of a “creative” strategy one local non-profit wanted to use the funds to help finance a facility.

Example I: Measure AA funded hundreds of worthy park and recreation projects in dozens of communities over two decades. The crafters of AA envisioned and drafted a logical approach to distributing the funds over the years, approving distribution in phases that were tied to the schedule at which the revenues were collected and available. While it seems like a reasonable approach, the resulting flow sometimes left agencies with shovel-ready projects delaying work for years while they waited for the next phase of funding to be available based on revenue performance from AA. Other cities and agencies found themselves accruing allocations long before they had projects ready to construct.

East Bay Regional Park District staff drafting Measure WW, the extension to AA, had lived through Measure AA’s creation and 20 years of implementation, and vowed to resolve this awkward situation with WW. The solution was to create a master contract agreement with each participating locality that guarantees their total funding entitlement under

which they can submit projects for approval each year up to the “credit limit” established for them. With this knowledge in hand the District can market an appropriately-sized bond issue to fund current project applications as needed. The new system provides agencies with flexibility while allowing the District to plan cash flow efficiently.

Example 2: While it was not uncommon for a participating city or agency to apply for the local grant money for a project that involves a non-profit as an operating partner, federal law places restrictions on non-agency entities from certain “private business” uses of tax-exempt bonds. The Secretary of State’s certification stamp was barely dry on WW when one city’s Boys and Girls Club, with backing from the city’s council, approached the East Bay Regional Park District with a proposal to use WW funds to build a new facility that would be owned by the Boys and Girls Club. In the case of this example, the ownership of the asset involved had the potential to trigger serious federal sanctions.

Since the District never encountered nor envisioned this specific application for funding, the language of WW and the grant guidelines did not reference such a request either to allow it or prohibit it. Financial, tax, and legal experts were engaged in a complex investigation of the language and tax laws to resolve the situation. To answer the question, the District clarified the grant guidelines’ language regarding land tenure. The city followed up by submitting the Boys and Girls Club facility for \$1,000,000 of their \$3.4 million Measure WW local per capita allocation.

CD Contents

Measure WW Booklet and Appendices

Appendices

1. Initial Public Communications – Report on Prior Bond Act Accomplishment, 1998
2. Rationale for Extension of Bond Measure, Key Messages, 2007
3. Reports on Prior Bond Act Accomplishments
4. Tracking Poll, June 2008
5. Exit Poll, November 2008
6. Measure WW Project List, Board Material
7. Measure WW Project List, Board Resolution Authorizing Acceptance
8. 2008 Election Gantt Chart (project management tool)
9. County Elections Office Elections Timetable
10. Official Measure WW Ballot Information from Voter's Pamphlet
11. Public information and Outreach Plan
12. Public Outreach Meeting Agenda, 2008
13. Public Outreach Presentations Staffing Calendar – Sample, 2008
14. Public Outreach Presentations – Final Summary, 2008
15. Measure WW Public Information Brochure (mailer), 2008
16. Measure WW Major Costs (budget planner)
17. Sample Newsclips, Editorials, Articles, Columns, 2007-2009
18. East Bay Regional Park District Ballot Measures Election Results, 1988-2008



East Bay 
Regional Park District

2950 Peralta Oaks Court
P.O. Box 5381
Oakland, CA 94605-0381
1-888-EBPARKS
www.ebparks.org



BOARD MEETING PROCEDURES

GOALS: To have effective Board meetings; to have a clear delineation between public input and Board deliberation; to ensure effective use of time at Board meetings and to complete the District's public business in a timely manner; to foster control of the appropriate procedures for Board meetings, based on Robert's Rules of Order; to ensure public input in an orderly and consistent manner; to ensure an appropriate level of decorum during meetings; to provide for the clear recording and taking of minutes.

Procedures for Agenda Items:

During consideration of agenda items the following sequence is to be adhered to, unless specific exceptions are agreed to by the Board:

1. Presentation on agenda item;
2. Board and staff members may ask questions for clarification, followed by preliminary Board comments and discussion if any;
3. Public Comment period;
4. Board discussion and deliberations; additional comment from public only when requested by Board members and directed through the presiding officer;
5. Board action on agenda item.

Public Comment/Oral Communications:

At beginning of each meeting, the President shall make a statement outlining the procedures for public comment.

A member of the public may address the Board on an item not on the agenda under Oral Communications. Each speaker will ordinarily be limited to 3 minutes. There shall be no action or discussion on items not appearing on the agenda. However, Board members may briefly respond to public questions, ask a question for clarification, refer the matter to staff, request staff to report back at a future meeting as an informational report or place the matter on a future agenda.

Persons addressing the Board should be requested to state their name and address for the record.

Persons who are recognized should address the Board from the podium microphone prior to speaking, not speak from their seats.

The person recognized by the President should address the Board, not staff members or other audience members. There should not be a dialogue between audience members and staff, or between audience members. Public comments and questions should be directed through the President.

Only one person at a time should address the Board; other audience members should wait to be recognized before speaking. The President should discourage out-of-turn speaking by the public.

At the close of public comment, the President should indicate that the matter is now returned to the Board for deliberation and decision.

Consent Calendar:

Board members, the General Manager, and members of the public may request that an item be removed from the Consent Calendar during consideration of the Consent Calendar.

Board members may ask brief questions for clarification or make brief statements on an item without removing it from the Consent Calendar.

Board members may vote "no" on Consent Calendar items without pulling them from the Consent Calendar by asking that the minutes reflect a "no" vote on a specified agenda item.

Board Conduct/Deliberation:

The presiding officer should require individual Board and staff members to raise their hands to be recognized.

The presiding officer will recognize Board and staff members by name and will identify the makers of motions and seconds.

For each agenda item to be considered by the Board, the presiding officer shall provide a period of time for public comment prior to any vote taken. After the public comment period had closed, the public shall not interrupt the Board's deliberations, and only by vote of the presiding officer shall the Board accept additional public comments or Board questions of the public.

Informational Reports:

Informational reports should be restricted to brief announcements or reports related to District business and shall generally be no more than three minutes per person. There shall be no action or discussion concerning Informational Reports.

Board members may refer a matter to staff, request staff to report back to the Board at a future meeting as an informational report or place the matter on a future agenda.

Informational reports of a personal nature that are unrelated to District business should not be shared during a public meeting.

Closed Sessions:

No person who attends a closed session shall disclose any statements, discussions, documents or votes made in closed session except as specified, required by the Brown Act, or where authorized by a majority of the Board.

Board-Public Relations:

If a Board member represents the District before another agency or organization, the Board member shall represent the majority position of the Board.

When contacting another agency or organization in a personal capacity, Board members should indicate that his/her comments are given as an individual and not as an official representative of the District Board of Directors.



Midpeninsula Regional
Open Space District

GUIDELINES FOR BOARD-STAFF WORKING RELATIONSHIPS

Accepted by Board of Directors
November 20, 1991
Amended April 9, 1992
Amended January 11, 1993
Amended August 26, 1993
Amended February 14, 1996
Reaffirmed April 9, 1997
Reaffirmed January 28, 1998
Amended October 25, 2004
Amended January 28, 2009

A. General

1. Board members may go to any staff member for information. If information request requires more than minimal staff time, the request should be made to the General Manager or Department Manager who shall confer with the General Manager.
2. Board members are encouraged to give staff sufficient lead time to fulfill Board requests and to put important requests in writing.
3. Information (except trail conditions) provided from a Board member to staff should be routed through individual Department Managers or the General Manager.
4. If an individual Board member suggests that staff time be spent on a project not previously approved by the Board, he/she will contact the General Manager. The General Manager will then make an initial assessment of the project, evaluating its consistency with established goals and policies, effects on other projects, and availability of staff and financial resources. The General Manager will then communicate the information to the Board and obtain Board approval prior to proceeding with more in-depth assessment or proceeding with the project.
5. Management reports and recommendations to the Board should present areas of potential controversy and concern.
6. Board members and management will endeavor not to surprise each other with important information; if a Board member wants additional information or documentation on an agenda item, the Board member is encouraged to contact the General Manager before the Board meeting.

7. Staff will actively support and implement Board decisions.
8. The administration of the District is the responsibility of the General Manager. The General Manager will advise Board members when he/she feels that any Board member is attempting to direct the administration of the District.
9. Any Board member will advise the General Manager when he/she feels staff is attempting to direct or set Board policy.
10. Management team and the Board will set a positive example of Board-staff relations for public and staff.
11. Board members and staff will respect each other's personal time.
12. Board members may serve in District volunteer programs under the same terms and conditions as any member of the volunteering public. When volunteering, they agree to conduct themselves as would any other member of the volunteering public. They will accept all direction from staff members organizing the volunteer activity. Staff conducting volunteer activities will treat Board members as they would any other volunteer, and will bring any difficulties to the Department Manager or General Manager for resolution.

B. Public-Related

1. Board members will refrain from publicly reprimanding staff members. Any concerns about employee performance should be discussed privately with the General Manager.
2. The Board shall not prohibit public criticism of its policies, procedures, programs or services, but shall request members of the public to refrain from personal attacks upon individual staff members.

RULES OF PROCEDURE

Section

1.10 Regular Meetings

Public Resources Code § 5535

Regular Meetings of the Board of Directors of the Midpeninsula Regional Open Space District shall be held on the second and fourth Wednesday of each month at the hour of 7:00 p.m.

Meetings shall be held at such place or places within the District as shall be determined by the Board of Directors. A majority of the members of the Board may cancel a meeting for cause or call the regular meeting for a different date or time. At least 72 hours before a regular meeting, the agenda for the regular meeting containing the time and location for the meeting and a brief description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session, shall be posted in a location that is freely accessible to members of the public. If a regularly scheduled meeting occurs on the evening preceding Thanksgiving or Christmas Eve or on a holiday, the regular meeting shall be rescheduled or canceled.

1.12 Special Meetings

Special meetings may be called at any time by the President or at the request of a majority of the members of the Board. Except in the case of an "emergency situation" as defined (Government Code § 54956.5), written notice of such meeting shall be posted in a location that is freely accessible to members of the public and delivered personally or by mail to each member of the Board and to each local newspaper of general circulation at least 24 hours before the time specified for the meeting in the notice, provided that, unless otherwise provided by law, the failure to give or receive notice shall not affect the validity of any action taken at the meeting. The notice shall specify the time and place of the special meeting and the business to be transacted, which shall be determined by the Board or by the General Manager in consultation with the President. No other business shall be considered at the meeting. The agenda for a special meeting at which action is proposed to be taken on an item shall provide an opportunity for members of the public to directly address the Board concerning that item prior to action in the item.

1.14 Meetings to be Public

Public Resources Code § 5535.

All meetings of the Board of Directors shall, as provided by law, be open and public and shall be conducted in accordance with the Ralph M. Brown Act of the State of California. (Government Code § 54950 et seq., the Ralph M. Brown Act.)

1.16 Quorum

Public Resources Code § 5535.

At any meeting of the Board a majority of the Directors shall constitute a quorum for the transaction of business. When there is no quorum, the President, or Vice-President, or District Clerk or any other member of the Board of Directors, shall adjourn such meeting.

1.18 Smoking

It shall be unlawful for any person to smoke at any time at the meetings of the Board of Directors.

1.20 Legislative Body

Public Resources Code § 5537.

The Board of Directors is the legislative body of the District and shall determine all questions of policy.

1.22 **Board of Directors: Election of Officers**

Public Resources Code § 5535.

At the first regular meeting in January of each year, the Board of Directors shall choose one of its members, President, and another Vice-President, who shall act for the President in his/her absence or disability. The Board shall choose one of its members to serve as Board Treasurer and another to serve as Secretary.

Each officer shall be voted on separately. Elections shall be by signed ballot and counted by the District Clerk. The candidate receiving a majority of the vote of the members of the Board shall be elected. After the election, the ballots shall be available for public inspection.

1.24 **Duties of the Presiding Officer**

Public Resources Code § 5548.

The President, or in his/her absence, the Vice-President, shall be the presiding officer of the Board and shall assume his/her place and duties as such immediately following his/her election. The presiding officer shall preserve order at all meetings of the Board, announce its decisions on all subjects, and decide all questions of order, subject to an appeal to the board. S/he shall participate in debate, make motions, and vote on all questions as other members of the Board.

The President shall sign all ordinances, resolutions, contracts and conveyances on behalf of the District after they have been approved by the Board, shall sign financial instruments as appropriate, and s/he shall perform such other duties as may be imposed upon him/her by the Board.

In the absence of the President, or in the event of his/her inability to act, the Vice-President shall perform all the powers and duties of the President. If both the President and Vice-President are absent or unable to act, the Board may select a president pro tempore who shall perform all the powers and duties of the President.

1.26 **Rules of Order**

Robert's Rules of Order shall be followed as interpreted by the presiding officer, subject to an appeal to the Board. In the event of a conflict between these Rules of Procedure and Robert's Rules of Order, these Rules of Procedure shall control.

1.27 **Board Treasurer**

The Treasurer shall be a member of the Budget Committee and shall sign financial instruments as appropriate.

1.28 **Board Secretary**

Public Resources Code § 5551 and 5552.

Unless otherwise directed by the Board, the Board Secretary shall countersign all ordinances and resolutions and the District Clerk shall countersign all contracts and conveyances approved by the Board. In the absence of a Secretary, or in the event of his/her inability to act, the Board may select a secretary pro tempore who shall perform all the duties of Secretary.

1.30 **Agenda**

All reports, ordinances, resolutions and other matters intended to be considered by the Board at its regular meeting shall be delivered to the District Clerk no later than 5:00 p.m. on the preceding Wednesday for material requiring typing or other preparation, and not later than 5:00 p.m. on the preceding Thursday for material requiring reproduction only.

Any Board member or Board appointed staff member may place a matter on the agenda for Board consideration. The District Clerk shall prepare the agenda according to the order of business as determined by the General Manager. A copy of the agenda and all available

supporting materials shall be mailed by 5:00 p.m. on the Friday preceding each regular Board meeting or delivered by 7:00 p.m. on the Saturday preceding each regular Board meeting. Supplementary materials may be received by the District Clerk after that time, provided the matter refers to an already agendized item.

Agendas will be available with no charge upon request to public officials, newspapers in the District, and members of the public at the District office by 9:00 a.m. on the Monday preceding the regular meeting. Agendas will be posted in a location that is freely accessible to members of the public at least 72 hours before a regular meeting or at least 24 hours before a special meeting.

Supporting materials (reports, memoranda, resolutions, nonconfidential written communications to the Board, and other informational materials not previously published or distributed) may be obtained upon request by public agencies, newspapers in the District and members of the public at the District office by 9:00 a.m. on the Monday preceding the regular meeting, and 24 hours before a special meeting.

Written materials distributed during a public meeting by any person in connection with a matter subject to discussion or consideration shall be made available for inspection at the meeting if prepared by District staff or by a member of the Board, or immediately after the meeting if prepared by some other person.

Absent extraordinary circumstances, communications to the Board from members of the public shall be deemed nonconfidential. A memorandum from the General Manager explaining the justification for this decision "not to distribute materials to members of the public" shall accompany the written communications when sent to the Board. There will be no charge for the materials if available; otherwise the cost of reproduction will be charged.

No action or discussion shall be undertaken on any item not appearing on the posted agenda by the Board, provided that matters deemed to be of an urgent nature by a two-thirds vote of the Board, (or, if less than two-thirds of the Board members are present a unanimous vote of those members present) with an explanation stated as to the urgency, may be acted upon. (See also Government Code § 54954.2.)

1.31

Board Member Requests to Place Matters on the Agenda for Reconsideration

If the Board has previously voted on a matter, a Board member may place a request for reconsideration of the prior Board action on the agenda if that member voted on the prevailing side. A motion to reconsider may be made at the same meeting such action was taken, the next Regular Board meeting, or any intervening Board meeting. If the motion to reconsider is made and approved at the same meeting the action was taken, the matter may be reconsidered at that meeting, at the next Regular Meeting, or any intervening Board meeting, at the discretion of the Board of Directors. After a motion to reconsider has been made and approved by a majority of the Board, unless the matter is reconsidered at the same meeting Board action was taken, the District Clerk shall place the prior Board action on the Board agenda for reconsideration at the next Regular Meeting, an intervening Board meeting, or at the earliest feasible Board meeting if it is infeasible to agendize the matter at the next Regular Meeting, unless otherwise directed by the Board. The reconsideration rules contained in this Section shall not limit the Board's inherent legislative authority to rescind, amend, repeal, or otherwise nullify a prior Board action at a subsequent Board meeting. The reconsideration rules in this Section are not applicable to Board-appointed employees or their designees who may agendize matters for reconsideration, amendment, rescission, or repeal if deemed necessary to efficiently conduct District business or accomplish the District's mission.

(Report R-08-130)

1.40 **Order of Business**

The order of business shall be determined by the General Manager for the purpose of preparing meeting agendas, using the following format, unless in the General Manager's opinion, a different order would be more appropriate:

1. Roll Call
2. Pledge of Allegiance (see Section 1.42)
3. Oral Communications
4. Special Orders of the Day
5. Adoption of Agenda
6. Adoption of Consent Calendar
7. Approval of Minutes (Consent Item)
8. Written Communications (Consent Item)
9. Unfinished Business
10. Public Hearings
11. Board Business
12. Informational Reports—Directors and Staff
13. Revised Claims (Consent Item)
14. Closed Session
15. Adjournment

The order of business as set forth in the meeting agenda shall not be departed from except by consent of the majority of the Board.

1.41 **Roll Call**

Before proceeding with the business of the Board, the District Clerk or minute taker shall call the roll of the Board of Directors, and the names of those present shall be entered into the minutes.

1.42 **Pledge of Allegiance**

The Pledge of Allegiance shall be recited at the first meeting of July, and a special presentation shall be made at that time.

1.43 **Oral Communications—Public**

Members of the public may address the Board under the category Oral Communications during meetings on any matter not on the agenda concerning the affairs of the District. The presiding member of the Board may limit presentations of speakers under this section to three minutes. If the Oral Communications category exceeds fifteen minutes, the President, with the approval of the Board, may delay additional oral communications to a designated time later in the meeting. Members of the public may address the Board on any agenda item when that item is considered by the Board.

Absent extraordinary circumstances, the Board will not discuss oral communication items unless the communication relates to an item appearing on the agenda for that meeting. The Board may briefly respond, as questions for clarification, provide information resource references, request staff to report back at a future meeting, or place the item on the agenda of a future meeting.

A member of the public may request under oral communications that an item be removed from the consent calendar.

1.44 **Special Orders of the Day**

Any Board member or Board appointed staff member may schedule special presentations, introductions or other activities deemed appropriate to this category, which shall be placed on the agenda by the District Clerk.

1.45 **Adoption of Agenda**

The Board shall determine the order of business to be considered at regular meetings, including placement of items removed from the consent calendar, and shall adopt the agenda, with additions or deletions. Only items of an urgent nature may be added to the agenda at this time, provided that any action be taken pursuant to Section 1.30.

1.46 **Adoption of Consent Calendar**

The following items shall normally be included on the consent calendar: 1) approval of minutes; 2) written communications; 3) agenda items that the General Manager deems do not require Board discussion; and 4) revised claims. All items on the consent calendar shall be approved by one motion unless a request is made by a Board member to remove an item from the consent calendar for separate discussion. A member of the public may request under oral communications that the Board remove an item from the consent calendar for separate discussion.

1.47 **Approval of Minutes (Consent Item)**

Unless removed from the consent calendar by a member of the Board or the public, the minutes of the previous Board meeting(s) shall be approved without reading during the adoption of the consent calendar, provided that the District Clerk has previously furnished each member of the Board with a copy.

1.48 **Written Communications (Consent Item)**

The District Clerk is authorized to receive and open all mail addressed to the Board of Directors from members of the public. Any such written communication addressed to the Board shall be reproduced and distributed in the next regular mailing to the Board members and to members of the press who have requested supporting materials (see Section 1.30).

All written communications, unless they relate to an item on the agenda, must be received no later than 5:00 p.m. on the Tuesday the week preceding a Board meeting in order to be distributed with the agenda and supporting materials and considered by the Board at the forthcoming meeting. If, in the opinion of the General Manager, a written communication should not be distributed with the agenda and supporting materials without a draft response, which has yet to be prepared, the written communication may be distributed later, but no later than at the forthcoming Board meeting. Written communications not directly related to an item on the agenda received after the 5:00 p.m. Tuesday deadline may be distributed with the agenda and supporting materials and considered by the Board at the forthcoming meeting if, in the opinion of the General Manager, time is of the essence for consideration of the written communication by the Board. Written communications directly related to an item on the agenda will be accepted for distribution up to 3:00 p.m. on the day of the meeting. Written communications directly related to an item on the agenda but received after 3:00 p.m. on the day of a meeting must be accompanied by thirty copies for distribution in order to be considered by the Board as written communication at the meeting.

Draft replies to written communications which have not been considered by the Board may be submitted with the written communication, provided such draft replies are labeled as follows: "Draft Response prepared by Staff." Any member of the Board may request that such written communication be placed on the agenda as an emergency item in accordance with Section 1.30 for consideration by the Board.

The Board shall consider the recommendation of the General Manager and determine whether a written communication shall be placed on the agenda in accordance with the procedures of Section 1.30, considered in connection with an item already on the agenda, and/or referred to a committee, a Director or staff for simple acknowledgement, response or draft response or shall determine that an adequate response has been made.

A written communication addressed to an individual Director may, at the discretion of the individual Director, be considered a personal letter, a written communication or may be relayed to the members of the Board as an informational item.

Members of the public may read written communications into the District's record during oral communications at a regular meeting and offer explanations of any such document. The presiding member of the Board may limit presentations of the speakers, including the reading of a written communication, to three minutes. Written communications received at a regular Board meeting shall be reproduced and distributed to absent Board members and to members of the press who have requested supporting materials no later than the next regular mailing to the Board. Written communications which are distributed to the Board at a time other than a regular mailing shall be distributed to members of the press who have requested supporting materials within two working days of when they are sent to the Board. Written communications accompanied by an extraordinary quantity of attachments may, at the discretion of the General Manager, be duplicated and distributed with some or all the attachments excluded. The General Manager shall note on the written communication or in an accompanying memorandum that the entire written communication, including attachments is available at the District office for public review. The General Manager shall determine the most appropriate method for presenting the attachments to the Board of Directors. Copies of the excluded attachments will be made available on the same basis as any other public record.

1.49 **Unfinished Business**

When a regular meeting is adjourned before the completion of the agenda, all unfinished items shall be listed under Unfinished Business on the next regular Board meeting agenda, at the discretion of the General Manager or unless otherwise designated by a majority of the Board.

1.50 **Public Hearings**

Any matter which, in the opinion of the Board of Directors, President, or General Manager requires notice to and response by members of the public may be placed on the agenda under this category.

1.51 **Board Business**

These are business items being presented to the Board for consideration that do not fall under the category of Unfinished Business (see Section 1.49). Action in the form of an ordinance, resolution, motion or direction to staff may be required for items in this category.

1.52 **Informational Reports—Directors and Staff**

Informational, short reports by Directors and staff members on items of interest to the District may be given under this category. No action is expected but could occur at a regular meeting with a vote as required by Section 1.30.

1.53 **Revised Claims (Consent Calendar)**

Public Resources Code § 5547, 5544.22 and 5540 as amended.

No claims against the District shall be paid unless the same shall be first approved by a majority of the Board at a meeting thereof. Payment of employees' salaries and fringe benefits and other recurring claims may be authorized by the Board on an annual basis.

1.54 **Closed Sessions**

The Board may hold closed sessions from which the public may be excluded for the consideration of the following subjects:

1. Appointment, employment, evaluation of performance, or dismissal of an employee or to hear complaints or charges brought against an employee
2. Labor negotiation matters
3. Proposed or pending litigation

4. Real property transactions
5. Matters embraced within the attorney-client privilege
6. Any other matters exempted by law (See Government Code § 54950 et seq., the Ralph M. Brown Act).

Items to be discussed in closed session shall be listed on the agenda for a regular or special meeting. A closed session item of an urgent nature not listed on the agenda may be added to the agenda provided that any action taken be pursuant to Section 1.30.

Prior to holding any closed session, the Board must disclose, in an open meeting, the item or items to be discussed in the closed session. The disclosure may take the form of a reference to the item or items as they are listed by number or letter on the agenda. The Board may consider only those matters covered in its statement during the closed session.

After any closed session, the Board shall reconvene into open session prior to adjournment and shall publicly report any action taken in closed session and the vote or abstention of every Board member present. These reports may be made orally or in writing.

Copies of any contracts, settlement agreements, or other documents that were finally approved or adopted in closed session shall be made available to any persons requesting such documentation. The requested documentation will be available at the end of the closed session in which the final action was taken unless substantive amendments require retyping, in which case the documents will be available when the retyping is complete.

1.60 **Minutes**

Minutes of Board meetings shall be kept by the District Clerk. The District Clerk or his/her designee shall make a record together with sense minutes of such business as was actually passed upon by a vote of the Directors. A record shall be made of the names and addresses of persons addressing the Board, the subject matter to which their remarks related and whether they spoke in support or opposition to such matter. The District Clerk shall be responsible for preparing and causing a copy of the minutes to be considered for approval to be forwarded to each Board member in the next regular mailing or as soon thereafter as possible.

Minutes of meetings to be considered for approval shall be available without charge upon request to public officials, newspapers within the District, and members of the public at the District office as soon as available following the meeting.

The official Board-approved minutes of a meeting shall consist of at least two separate documents: 1) the copy of the proposed minutes forwarded to the Board for their consideration and approval, and 2) any additions or corrections to the proposed minutes made by the Board during the approval or amendment process and recorded in the approved minutes of the subsequent Board meeting.

1.70 **Board Action**

Public Resources Code § 5547, 5544.2 and 5540 as amended.

A majority vote of all of the members of the board shall be sufficient of the taking of Board action or the conduct of business except where action is required to be taken by "four-fifths of the members of the District Board" or a "two-thirds vote of the Board" or language of similar import.

Action of the Board of Directors shall be taken by ordinance, resolution, or a motion duly recorded in the minutes of the meeting. The ayes and noes shall be taken upon the passage of all ordinances, resolutions or motions and entered into the minutes of the Board.

An ordinance or resolution shall not be passed or become effective without the affirmative vote of at least a majority of the members of the Board.

The enacting clause of all ordinances passed by the Board shall be in these words: "Be it ordained by the Board of Directors of the Midpeninsula Regional Open Space District."

All ordinances and resolutions shall be signed by the President of the Board and countersigned by the Board Secretary, and all ordinances shall be published once within thirty (30) days after adoption in a newspaper of general circulation printed, published and circulated in the District.

1.80 **Committees of the Board**

Upon passage of a motion by a majority of Board members in open session at a regular or special meeting, standing or ad hoc committees composed of less than a quorum of Board members may be established and members appointed for the study of specific matters and provide recommendations to the Board on such matters. Ad hoc committees are temporary committees established to accomplish a specified task, and do not have permanent subject matter jurisdiction. Standing committees have ongoing and permanent subject matter jurisdiction. The presiding officer of the Board shall appoint the committee members with the consent of the Board. The President of the Board shall not serve on any standing committee, except as a voting alternate. The President may serve on ad hoc committees. The presiding officer may appoint a Board member to serve as a voting alternate on any committee.

1.81 **Standing Committees**

The following shall be standing committees of the Board with subject matter jurisdiction to perform the designated duties as set out herein and as assigned by the Board:

- (a) Administration and Budget Committee: Each fiscal year reviews the proposed budget and any required midyear budget amendments and makes budget recommendations to the Board; receives reports from the District Controller concerning investments of District funds and current and long-term fiscal analyses.
- (b) Legislative, Funding and Public Affairs Committee: Reviews and makes recommendations to the Board on the proposed two-year legislative program; reviews policy matters related to the Board's Rules of Procedure and other Board policies and regulations as assigned by the Board; reviews matters concerning District funding and public affairs.
- (c) Use and Management Committee: Reviews trail use policies and Use and Management Plans, and Plan Amendments; conducts site tours relating to these matters as needed.
- (d) Real Property Committee: Reviews leases; reviews rental policies concerning District real property; conducts site tours for potential real property purchases and disposition of structures as needed.

Other matters may be referred to an appropriate Standing Committee with prior approval of the Board. Such matters shall first be placed on a Board agenda by any Board Member or the General Manager for Board approval.

The General Manager may also refer matters directly to an appropriate Standing Committee as needed to implement the District's Action Plan.

Three Board members shall be appointed to serve on each standing committee.

Appointments to the Administration and Budget Committee shall normally be made at the first regular meeting in January. The Treasurer shall be one of the three members of the Administration and Budget Committee.

Appointments to other standing committees shall be made at the first regular meeting following the meeting at which officers of the Board are elected.

1.82 **Standing Committee Meeting Notification**

Agendas for meetings of standing committees of the Board shall be posted in a location that is freely accessible to members of the public at least 72 hours before the meeting. The agenda shall include the time and location for the meeting and a brief description of each item of business to be transacted or discussed at the meeting. Whenever possible, notices of standing committee meetings shall also be listed in advance on agendas for regular or special Board meetings. Agendas for standing committee meetings shall be forwarded to each person who usually receives an agenda for regular meetings and to each person who has requested notification of meetings of a particular committee.

1.83 **Board Appointments to Outside Committees**

With the consent of the Board, the presiding officer of the Board may appoint a member to serve as a Board appointee on a committee, commission, board or other body that is not a committee of the Board.

1.90 **Public Records**

All public records of the District shall be open to public inspection during District office hours Monday through Friday from 9:00 a.m. to 12:00 noon and from 1:00 p.m. to 5:00 p.m. holidays excepted. Holidays observed by the District are New Year's Day, Martin Luther King Jr. Day, Presidents Day, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day, the day after Thanksgiving, the last four hours of last workday preceding the Christmas Day observance and Christmas Day. If a holiday falls on a Sunday, the holiday shall be observed on the following Monday.

1.95 **Communications from Individual Directors**

Any written communication from a Director to the public or Board in any way related to the Director's capacity as an elected District official shall be distributed to the Board as a public informational item by the Director unless it is made clear in the communication that the communication is the opinion of the Director and not a Board position.

2.00 **Recording of Meetings**

Tape recordings of a Board meeting shall be made by District staff solely for the purpose of facilitating the preparation of the minutes of the meeting (see Government Code § 6252). Each tape recording of a Board meeting may be erased six weeks after the approval of the minutes of a Board meeting.

Any person attending an open and public meeting shall have the right to record the proceedings with an audio or video tape recorder or a still or motion picture camera in the absence of a reasonable finding of the Board that such recording cannot continue without noise, illumination, or obstruction of view that constitutes, or would constitute, a persistent disruption of the proceeding (Government Code § 54953.5).

2.10 **Candidate's Packets**

Informational packets shall be distributed at no charge prior to elections or appointment proceedings to candidates who have filed for Directors' seats.

2.12 **Unopposed Candidates and Candidates' Statements**

In the case where there is a single candidate qualified to appear on the ballot, such candidate

shall not be permitted to have his or her name on the ballot (Public Resources Code § 5532 (e)). If such unopposed candidate requests that his or her candidate's statement be included in official election material distributed to voters, the District shall bill such candidate for the cost thereof, including costs related to any required translation.

In those wards where two or more candidates have qualified to appear on the ballot, a candidate may file a candidate's statement not exceeding 200 words. The District will pay for the cost of the statements, (and, if required by the respective county translations of candidates' statements pursuant to the Elections Code of the State of California, and no such candidate shall be billed for availing himself or herself of these services.

2.15 **Annual Disclosure Statements**

Annual disclosure statements required by the Fair Political Practices Commission shall be distributed to designated employees by the District Clerk and shall be returned to the District Clerk by April 1 of each calendar year.

2.20 **Fees Charged for Special Mailings**

Reasonable fees may be charged by the General Manager for reproducing and mailing materials on special projects.

2.30 **Compensation of Directors and Payment of Expenses**

Public Resources Code § 5536 and 5536.5.

Members of the Board shall receive one hundred dollars (\$100.00) for each attendance at a Board meeting. A Board meeting includes a special meeting, a continued meeting, a closed session, a public hearing, or a meeting of a standing committee of the Board. Attendance at an ad hoc committee meeting shall be compensable when determined to be so by the Board. Only Board members, who are members of the committee, or authorized substitutes appointed by the presiding officer, may be compensated for attendance at the meeting. A committee of the Board includes a committee of one and Board-appointed representatives on a committee established by other organizations. The maximum total compensation per Board member allowable under this section shall be one hundred dollars (\$100.00) per day and five hundred dollars (\$500.00) per calendar month.

2.35 **Fiscal Year**

Beginning in 1989, the District's fiscal year shall commence on April 1 and conclude on March 31.

2.40 **Financial Instrument Signatories**

A. The authorized signatories to checks, warrants, withdrawal applications and the Santa Clara County claim forms of the Midpeninsula Regional Open Space District for payroll or for amounts less than \$5,000 shall be any one of the following seven employees: (i) the General Manager, (ii) the Assistant General Manager, (iii) the Administration and Human Resources Manager, (iv) the Operations Manager, (v) the Public Affairs Manager, (vi) the Planning Manager, or (vii) the Real Property Manager.

B. The authorized signatories to checks, warrants, withdrawal applications and Santa Clara county claim forms of the Midpeninsula Regional Open Space District in amounts of \$5,000 or greater (excluding payroll) shall be two of the following employees: (i) the General Manager, (ii) the Assistant General Manager, (iii) the Administration and Human Resources Manager, (iv) the Operations Manager, (v) the Public Affairs Manager, (vi) the Planning Manager, or (vii) the Real Property Manager.

2.50 **Safe Deposit Box**

The authorized signature for entrance into the District's safe deposit box is any of the following: General Manager, Assistant General Manager, District Clerk, and Sr. Accounting Specialist.

Certificates of Acceptance and Acquisitions of Interests in Low-Value Real Property by the General Manager

- A. In accordance with Government Code § 27281, Certificates of Acceptance for deeds or grants conveying any interest in or easement upon real estate to the District for public purposes shall be executed as follows:

Certificate of Acceptance. The President of the Board of Directors, or, in his or her absence, the Vice President of the Board of Directors, or the District's General Manager, are hereby authorized to consent to and accept on behalf of the Midpeninsula Regional Open Space District, deeds or grants conveying any interest in or easement upon real property to the District for public purposes and to execute a Certificate of Acceptance as evidence thereof as required by law.

- B. Acquisitions of Interests in Low-Value Real Property by the General Manager. The General Manager is hereby authorized to approve the acquisition of an interest in or easement upon real property, or an option to acquire such an interest or easement, on behalf of the Midpeninsula Regional Open Space District provided the following conditions are met:

1. The General Manager determines that the acquisition of such interest in or easement upon real property is necessary or appropriate in order for the District to effectively acquire, plan, maintain and operate its system of open space preserves, and that such acquisition is consistent with all applicable District regulations and policies concerning acquisition of real property; and
2. The purchase price, option price, or, in the case of a gift, the fair market value of the gift, does not exceed the General Manager's authority to expend District funds as provided in Section 5549 (b)(2) of the Public Resources Code and as authorized by the Board of the Directors; and
3. Prior to the General Manager's approval of an acquisition, the District undertakes all acts required by law prior to acquiring real property, including compliance with the California Environmental Quality Act; and
4. After acquisition, the General Manager shall notify the Board of Directors, in writing, of the acquisition or option and place upon the Board of Director's agenda at its regular meeting a Preliminary Use and Management Plan for the real property so acquired. Pursuant to the District's Public Notification Policy, the General Manager may determine that such Plan be presented to the Board for final adoption, in the event no public comments concerning the proposed plan have been received prior to Board action.

Last amended:

November 12, 2008
 September 24, 2008
 June 14, 2006
 October 26, 2005
 February 11, 2004
 November 12, 2003
 October 8, 2003

August 13, 2003
 January 29, 2003
 January 10, 2001
 January 11, 1995
 January 26, 1994
 June 18, 1991

**RULES OF PROCEDURE
APPENDIX A**

Closed Session Procedures and Standard Forms

1. At least 72 hours before a regular meeting of the Board of Directors and at least 24 hours before a special meeting, the District Clerk shall post the Board's agenda containing a brief general description of each item of business to be transacted or discussed in the closed session. The description should be consistent with the form attached as "Standard Form No. 1". The closed session shall also be listed on the agenda by number as "Closed Session Agenda Item No. ____."

2. Prior to the closed session, the Board of Directors shall convene in open session.

The Board President shall announce the purpose or purposes of the closed session, state the statutory authority for the session and state the items to be discussed in the closed session.

Alternatively, the Board President can refer to the closed session as listed on the agenda: "The Board will hold a closed session for the purpose of discussing 'Closed Session Agenda Item No. ____'".

3. The Board then may adjourn to its closed session.
4. At the conclusion of the closed session, a "Closed Session Minutes and Record of Action Taken" form (Standard Form No. 2) is prepared by the District Counsel, District Clerk or District General Manager. The form shall be entered in a Minute Book, which shall be a confidential document maintained by legal counsel. The Minute Book will be available for inspection by any Board member or other authorized person.
5. Where final action has been taken on a matter in closed session, the Board shall reconvene into public session, and the President shall made any public announcements required by Section 54957.1 of the Ralph M. Brown Act.
6. Confidentiality is essential if a closed session is to serve its statutory purpose. Therefore, Board members and staff will adhere to a strict policy of confidentiality. No person may disclose any statements, discussion, documents, or votes made in a closed session except where authorized by the Board or where required by the Ralph M. Brown Act.

STANDARD FORM NO. 1

CLOSED SESSION AGENDA DESCRIPTIONS

Type of Closed Session Item:

1. Conference with Real Property Negotiator
2. Conference with Legal Counsel – Existing Litigation
3. Conference with Legal Counsel – Anticipated Litigation
4. Public Employment Item
5. Labor Negotiations
6. Other – check with District Clerk

1. Conference with Real Property Negotiator

Real Property or Properties: Specify street address, or if no street address, the parcel number or other unique reference _____

Negotiating Parties: Specify name of person with whom negotiator may negotiate _____

Under Negotiations: Specify whether instruction to negotiator will concern price, terms of payment, or both _____

2. Conference with Legal Counsel – Existing Litigation – Govt. Code § 54956.9(a)

A. Name of Case (Identify each case by reference to title of case, claimant's name, name of parties, or claim numbers) _____

B. If disclosing the case name of existing litigation would jeopardize service of process or jeopardize ongoing settlement negotiations:

Name of Case Unspecified: Disclosure will jeopardize service of process of ongoing settlement negotiations.

3. Conference with Legal Counsel – Anticipated Litigation – Govt. Code § 54956.9(b)

A. When you desire to hold a closed session relating to anticipated litigation that has not yet been filed, the agenda description will be:

Conference with Legal Counsel – Anticipated Litigation.

Significant exposure to litigation (specify number of potential cases)

No. of cases: _____

B. If deciding whether or not to initiate litigation, the description will be:

Conference with Legal Counsel – Anticipated Litigation.

Initiation of litigation (specify number of potential cases)

No. of cases: _____

4. Public Employment

- A. Public Employee Appointment
Title of Position to be Filled: _____
- B. Public Employee Employment, Evaluation or Dismissal
Title of Position Being Filled or Reviewed: _____
- C. Public Employee Discipline, Dismissal or Release
(No further description necessary)

5. Labor Negotiations

- A. Conference with Labor Negotiator – Represented Employees
Agency: _____
Employee Organization: _____
- B. Conference with Labor Negotiator – Unrepresented Employees
Agency Negotiator: _____
Unrepresented employee(s) or group: _____