



Midpeninsula Regional
Open Space District

ACTION PLAN AND BUDGET COMMITTEE MEETING

R-23-52
May 16, 2023

AGENDA ITEM 4

AGENDA ITEM

Closure of Completed Measure AA Portfolios #18 *South Bay Foothills: Saratoga-to-the-Sea Trail and Wildlife Corridor* and #23 *Sierra Azul: Mt. Umunhum Public Access and Interpretation Projects* and Reallocation of Remaining Portfolio Funds to Portfolio #03 *Purisima Creek Redwoods: Purisima-to-Sea Trail, Watershed Protection and Conservation Grazing*

GENERAL MANAGER'S RECOMMENDATION

Review and confirm, with any changes requested by the Action Plan and Budget Committee, that Measure AA Portfolios #18 *South Bay Foothills: Saratoga-to-the-Sea Trail and Wildlife Corridor* and #23 *Sierra Azul: Mt. Umunhum Public Access and Interpretation Projects* are deemed complete and reallocate remaining funds of \$6,357,920 to Portfolio #03 *Purisima Creek Redwoods: Purisima-to-Sea Trail, Watershed Protection and Conservation Grazing*.

SUMMARY

On December 6, 2022, the Board of Directors (Board) approved a new policy to establish the procedures for closing a completed Measure AA (MAA) portfolio and reallocate any remaining portfolio funds. Pursuant to the MAA Ordinance (Attachment 1) and Board Policy 3.11 (Attachment 2), staff has reviewed the accomplishments made for every MAA portfolio and has identified Portfolios #18 and #23 as complete and recommends that the remaining funds be reallocated to support projects in Portfolio #03. Per the Board-approved policy, the proposed MAA Expenditure Plan Amendments are being presented to the Action Plan & Budget Committee (ABC) for concurrence and would be presented next to the Bond Oversight Committee (BOC) for its review. Upon review and an advisory opinion from both the ABC and BOC, the Expenditure Plan Amendment would be forwarded to the full Board for its consideration.

DISCUSSION

The 2014 voter-approved Measure AA bond measure allocates a total of \$1,365,000 to Portfolio #18 to fund capital improvements necessary for implementing the following priority actions: *Protect wildlife corridor along Highway 9* and *Connect trails to Saratoga-to-the-Sea Trail and Skyline-to-the-Sea Trail*. In collaboration with the City of Saratoga, both priority actions have been completed with the construction and opening of a new trail that extends from Saratoga's Quarry Park to Sanborn-Skyline County Park via a trail easement through San Jose Water Company lands.

A total of \$27,972,000 is allocated to Portfolio #23 for implementing the following priority actions: *Open Mt. Umunhum for multi-use public access to summit via road and trail, open Bay Area Ridge Trail and nearby trail connections, and preserve additional open space and complete wildlife corridor.* Since 2014, a total of 262.32 acres have been purchased and incorporated into Sierra Azul Open Space Preserve with MAA funding from Portfolio #23. These land purchases have protected additional open space lands and wildlife corridors. In addition, the District has completed the construction of the Mount Umunhum Summit Public Access and Environmental Restoration Project, including the construction of a new 50-car parking lot, summit shelters with interpretive materials and sitting areas, a vehicle turnaround with ADA parking at the highest point, ceremonial circle, ADA pathways and trail steps/stairs leading to numerous vista points, stabilization repairs of the former radar tower, repairs and upgrades to a 5.5-mile access roadway, and other amenities. Moreover, nearly 4 new miles of the Mt. Umunhum Trail now connects people to the summit from the lower reaches of the mountain. The new Mt. Umunhum Trail also serves as a spur trail of the Bay Area Ridge Trail, bringing trail users to the highest elevation point along the broader regional trail. The environmental restoration portion of the project has included extensive onsite revegetation with the installation of more than 1,080 native plants and the removal of nonnative vegetation. Under Portfolio #23, the District also purchased riparian lands (Twin Creeks and Vielbaum) to further protect important wildlife corridors and watershed lands.

Measure AA allows for the District to review and propose amendments to the Expenditure Plan on an annual basis. With Board approval of Policy 3.11, the District established a process for proposing amendments to the Expenditure Plan. Presenting the proposed amendments to the ABC is the first step in the process. Amendments would then be taken to the BOC for their opinion and subsequently to the full Board for their approval.

There are no outstanding or future planned actions or projects needed for Portfolios #18 and #23. All priority actions for both portfolios have been completed and a total of \$6,357,920 remains. Below is a summary of the total spending for Portfolios #18 and #23 as of the end of Fiscal Year 2021-22 (FY22) as reported in the [Measure AA Bond Annual Accountability Report](#).

Project	Expenditure Plan	Total through end of FY21 (6/30/21)	Current Period 7/1/21 - 6/30/22	Total Life-to-Date through 6/30/22	Expenditure Plan Remaining	% Expended
Total Portfolio Allocation	\$1,365,000					
18-001 - San Jose Water Land Purchase		\$3,850		\$3,850		
18-002 - Saratoga-to-the-Sea Regional Trail Connection		\$1,160,339		\$1,160,339		
Grand Total	\$1,365,000	\$1,164,189	\$0	\$1,164,189	\$200,811	85.29%

Project	Expenditure Plan	Total through end of FY21 (6/30/21)	Current Period 7/1/21-6/30/22	Total Life-to-Date through 6/30/22	Expenditure Plan Remaining	Percent Expended
Total Portfolio Allocation	\$27,972,000					
23-001—Mt. Um Road and Trail Property Rights		\$1,271,318	\$0	\$1,271,318		
23-002—Mt. Um Trail		\$959,548	\$0	\$959,548		
23-004—Mt. Um Summit Restoration, Parking and Landing Zone		\$10,458,358	\$0	\$10,458,358		
23-005—Mt. Um Guadalupe Creek Overlook and Bridges		\$259,311	\$0	\$259,311		
23-006—Mt. Um Road Design/Permitting/Construction		\$6,282,378	\$0	\$6,282,378		
23-007—Twin Creeks Land Conservation		\$3,735,925	\$0	\$3,735,925		
23-009 Vielbaum Property Acquisition		\$0	\$168,053	\$168,053		
Subtotal	\$27,972,000	\$22,966,838	\$168,053	\$23,134,891	\$4,837,109	82.71%
23-004—Mt. Um Summit Restoration, Parking and Landing Zone Grant Income		(\$570,000)		(\$570,000)		
23-007—Twin Creeks Land Conservation Grant Income		(\$750,000)		(\$750,000)		
Grand Total	\$27,972,000	\$21,646,838	\$168,053	\$21,814,891	\$6,157,109	77.99%

The proposed amendment reallocates the remaining \$6,357,920 in Measure AA funds from Portfolios #18 and #23 to Portfolio #03 *Purisima Creek Redwoods: Purisima-to-Sea Trail, Watershed Protection and Conservation Grazing*. A total of \$7,607,000 is currently allocated to Portfolio #03 for addressing the following priority actions:

- *Complete and open multi-use Purisima-to-Sea trail connection between Ridge Trail and Coastal Trail and new parking areas. (In Progress)*
- *Preserve additional open space as available. (Completed)*
- *Remove fish barriers and restore Lobitos Creek. (In Progress)*
- *Restore ponds for endangered species. (In Progress)*

Significant progress has been made to pursue the Portfolio #03 priority actions. The District has also been proactive in securing outside grants to leverage Measure AA funds. As of FY22, \$154,063 has been received in grants for Portfolio #03. Outside funding is continuously sought out as opportunities arise. Remaining expenditure plan funds for Portfolio #03 as of the end of FY22 was \$986,705 (see chart below). The estimated expenditures for FY23 are approximately \$978,000, exhausting the remaining balance. The need for additional funding for Portfolio #03 became apparent with the recent purchase of the remaining 33% of undivided interest in the 611.7-acre South Cowell property. The Board approved the allocation of \$450,000 of available interest income from Measure AA Bond Proceeds to Portfolio #03 to fund the purchase.

Project	Expenditure Plan	Total through end of FY21 (6/30/21)	Current Period 7/1/21 - 6/30/22	Total Life-to- Date through 6/30/22	Expenditure Plan Remaining	Percent Expended
Total Portfolio Allocation	\$7,608,000					
03-001—Purisima Uplands Lot Line Adjustment and Property Transfer		\$425,113	\$0	\$425,113		
03-002—Purisima Upland Site Clean Up and Soil Remediation		\$248,649	\$19,408	\$268,057		
03-003—Purisima Creek Fence Construction		\$169,190	\$0	\$169,190		
03-004—Harkins Bridge Replacement		\$516,917	\$0	\$516,917		
03-005—Purisima-to-the-Sea Trail and Parking Area - Feasibility Study		\$260,425	\$182,234	\$442,659		
03-006—South Cowell Upland Land Conservation		\$4,842,967	\$93,740	\$4,936,707		
03-008—Rieser-Nelson Land Purchase		\$16,715	\$0	\$16,715		
Subtotal	\$7,608,000	\$6,479,976	\$295,382	\$6,775,358	\$832,642	89.06%
03-005—Purisima-to-the-Sea Trail and Parking Area - Feasibility Study Grant Income		(\$75,237)	(\$78,826)	(\$154,063)		
Grand Total	\$7,608,000	\$6,404,739	\$216,556	\$6,621,295	\$986,705	87.03%

The table below includes a list of projects under Portfolio #03 that would be funded with the reallocation of funds from Portfolios #18 and #23 (additional project details are included in Attachment 3). The projects being proposed in the FY24 Budget and Capital Improvement and Action Plan have an estimated remaining cost of \$7.7 million. The proposed reallocation of \$6.4 million would reduce the funding gap to \$1.3 million. Staff would continue to seek outside grant funds to fill the remaining funding gap.

Project Number	Project Name	Remaining Estimated Cost
MAA03-002	Purisima Upland Site Cleanup and Soil Remediation	\$636,211
MAA03-006	South Cowell Upland Land Conservation	\$15,354
MAA03-007	Purisima-to-the-Sea Habitat Enhancement and Water Supply Improvement Plan	\$460,000
MAA03-009	Purisima-to-the-Sea Parking	\$4,631,850
MAA03-010	Purisima-to-the-Sea Trail	\$1,278,436
MAA03-011	Lobitos Creek Fisheries Restoration	\$654,000
MAA03-012	Purisima Preserve Comprehensive Use and Management Plan	\$60,000
	Total	\$7,735,851

FISCAL IMPACT

With opinions from the ABC and BOC, the item would be forwarded to the full Board to consider the reallocation of funds. If approved, the remaining balance of \$200,811 from Portfolio #18 and \$6,157,109 from Portfolio #23 for a total of \$6,357,920 would be reallocated to Portfolio #03 *Purisima Creek Redwoods: Purisima-to-Sea Trail, Watershed Protection and Conservation Grazing*. The new allocation total for Portfolio #03 would be \$13,965,920.

If approved by the full Board, these changes would be reflected in the FY24 Budget and the FY23 Measure AA Bond Annual Accountability Report.

PRIOR BOARD AND COMMITTEE REVIEW

- **December 6, 2022:** Board adoption of Board Policy 3.11 Closing MAA Portfolios and Amending the Expenditure Plan ([R-22-138](#), [minutes](#))

PUBLIC NOTICE

Public notice was provided as required by the Brown Act. No additional notice is required.

CEQA COMPLIANCE

This proposed action is not a project under the California Environmental Quality Act and no environmental review is required.

NEXT STEPS

Upon recommendation by the ABC, the proposed reallocation of MAA funds will be presented to the BOC for their opinion. With ABC's recommendation and the BOC's opinion, the proposed reallocation would then be presented to the full Board and require a two-thirds majority to approve the Expenditure Plan amendments.

Attachments:

1. Board Policy 3.11 Closing of MAA Portfolios and Amending the Expenditure Plan
2. Ordinance NO. 2014-02
3. Portfolio #03 Projects

Responsible Department Manager:

Rafaela Ocegüera, Budget & Analysis Manager

Prepared by:

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Jordan McDaniel, Management Analyst I

Midpeninsula Regional Open Space District

Board Policy Manual

<p>Closing Measure AA Portfolios and Amending the Expenditure Plan Policy</p>	<p>Policy 3.11 Chapter 3 – Fiscal Management</p>
<p>Effective Date: 12/06/2022</p>	<p>Revised Date: N/A</p>
<p>Prior Versions: N/A</p>	<p>Attachments: Ordinance NO. 2014-02</p>

Purpose

This policy explains how the Midpeninsula Regional Open Space District (District) will close a completed Measure AA (MAA) portfolio and reallocate any remaining portfolio funds. This policy is consistent with the MAA Ordinance, which provides as follows:

The District may annually review and propose amendments to the Expenditure Plan to provide for the use of additional federal, state, and local funds, to account for unexpected revenues, or to take into consideration unforeseen circumstances. The District shall act on no more than one package of amendments each fiscal year. The District shall establish a process for proposed Expenditure Plan amendment(s) which ensures that the Citizen Oversight Committee is included in the development. Upon completion of this process, amendment(s) to the Expenditure Plan must be passed by a two-thirds majority of the District Board in a publicly noticed meeting.

Policy

- I. Staff shall review the accomplishments made for every MAA Portfolio annually. If all the Priority Actions of an MAA Portfolio have been addressed, yet the District has identified a new project(s) that expands upon the intent of that portfolio, then the MAA Portfolio will be deemed as **substantially complete**. If all Priority Actions are addressed and no future project is anticipated to be undertaken to further the intent of the MAA Portfolio, then the MAA Portfolio will be deemed **complete**.
- II. MAA Expenditure Plan Amendments reallocate remaining MAA funds from completed and/or substantially completed MAA Portfolios to other MAA Portfolios that are in need of additional funding. Under unique circumstances, the Board may also consider Expenditure Plan Amendments that shift funds away from an incomplete MAA Portfolio to another underfunded MAA Portfolio.
- III. Before the General Manager proposes MAA Expenditure Plan Amendments to the Board, the proposed amendments will be presented to the Action Plan & Budget Committee (ABC) for confirmation. Upon ABC review, the Plan Amendments will be presented to the Bond Oversight Committee (BOC) for an advisory opinion. ABC

confirmation, along with the BOC opinion, will be presented to the full Board of Directors for consideration of approval.

- IV. Amendment(s) to the Expenditure Plan must be passed by a two-thirds majority of the Board of Directors in a publicly noticed meeting.

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ORDINANCE NO. 2014-02

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE MIDPENINSULA REGIONAL OPEN SPACE DISTRICT CALLING AN ELECTION AND ORDERING THE SUBMISSION OF A PROPOSITION FOR INCURRING BONDED INDEBTEDNESS NOT TO EXCEED \$300 MILLION FOR THE PURPOSE OF PROVIDING PUBLIC ACCESS AND ACQUIRING, RESTORING AND PRESERVING OPEN SPACE THROUGHOUT THE DISTRICT, TO THE QUALIFIED VOTERS OF THE MIDPENINSULA REGIONAL OPEN SPACE DISTRICT AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON JUNE 3, 2014

WHEREAS, on February 12, 2014, the Board of Directors of the Midpeninsula Regional Open Space District (the "District") adopted, by a unanimous vote of all five members of said Board of Directors present (two absent), a Resolution entitled "Determination that the Public Interest and Necessity Demand Providing Public Access, and Acquiring, Restoring and Preserving Open Space Throughout the District, with Financing Through the Issuance of General Obligation Bonds" (the "Resolution"); and

WHEREAS, in order to provide for the issuance by the District of its general obligation bonds to finance the costs of providing public access and acquiring, restoring and preserving open space throughout the District, it is necessary for this Board of Directors to pass an ordinance ordering the submission of the proposition of incurring bonded indebtedness for such purpose to the qualified voters of the District at an election; and

WHEREAS, a General Election for the District is to be held on Tuesday, June 3, 2014; and

WHEREAS, the Board of Directors desires to submit to the voters at said election the proposition of incurring bonded indebtedness as hereinafter set forth; and

WHEREAS, the Board of Directors desires to consolidate the District election with the General Election to be held in the District on June 3, 2014.

Now therefore, the Board of Directors of the Midpeninsula Regional Open Space District does ordain as follows:

SECTION 1. That a district election is hereby called and ordered to be held in the District on June 3, 2014, at which election there shall be submitted to the qualified voters the proposition set forth below:

SECTION 2. That said proposition shall appear on the ballot for said district election in the following form:

YES	To improve access to hiking and biking opportunities, protect and preserve redwood forests, natural open spaces, the scenic beauty of our region and coastline, critical wildlife habitat, restore creeks to protect water quality, and reduce forest fire risk; shall Midpeninsula Regional Open Space District be authorized to issue up to \$300 million in bonds, at a tax rate not to exceed
NO	\$3.18 per \$100,000 of assessed value of property owned, with expenditures verified by an independent citizen oversight committee?

The Board does hereby submit to the qualified voters of the District, at said district election, this Ordinance and the proposition set forth above.

SECTION 3. The indebtedness to be incurred by the District shall be for the object and purpose set forth in the Resolution, namely, to provide public access and acquire, restore and preserve open space throughout the District and to implement a set of priority actions as described in Exhibit A. The object and purpose of the priority actions shall be to improve access to hiking and biking opportunities, protect and preserve redwood forests, natural open spaces, the scenic beauty of the region and coastline, critical wildlife habitat, restore creeks to protect water quality, and reduce forest fire risk. Priority actions will be distributed throughout the District.

All of the foregoing described objects and purposes are referred to herein as the “Expenditure Plan” (Exhibit A) for purposes of this Ordinance.

The indebtedness incurred under this Ordinance shall include the cost of legal and other fees incidental to or connected with the authorization, issuance and sale of the general obligation bonds.

SECTION 4. The District projects that property tax rates will not exceed an additional \$3.18 per year per \$100,000 of assessed valuation, as described more completely in the Tax Rate Statement that is attached hereto as Exhibit “B.” The repayment projections are based on reasonable growth assumptions, taking into account Article XIII A of the California Constitution. The foregoing provision shall not be construed to limit the power and duty of the Board of Directors to cause to be levied and collected a tax sufficient to fulfill its obligations to pay debt service on bonds in any fiscal year.

SECTION 5. The estimated cost of providing public access and acquiring, restoring and preserving open space throughout the District as outlined in the Expenditure Plan is not to exceed Three Hundred Million Dollars (\$300,000,000). The estimated cost includes the bond issuance fees.

SECTION 6. The principal amount of the general obligation bonds to be issued for the Expenditure Plan is Three Hundred Million Dollars (\$300,000,000).

SECTION 7. The rate of interest to be paid on the bonds to be issued for the Expenditure Plan shall not exceed the State of California (the ‘State’) maximum allowed rate of twelve percent (12%) per annum (unless the maximum interest rate for general obligation bonds of the District shall hereafter be increased by the Legislature of the State, in which event said maximum fixed by said Legislature shall apply).

SECTION 8. Under sections 53410 and 53411 of the California Government Code, the bonds shall be for the specific purposes authorized in this Ordinance and the proceeds of such bonds will be applied only to the Expenditure Plan. The District will comply with the requirements of section 53410 of the California Government Code.

An annual report will be prepared by the District consistent with the accountability measures as required in California Government Code section 53411. An Independent Citizen Oversight Committee will be formed to verify annual expenditures of bond proceeds. The Citizen Oversight Committee will consist of seven at-large members, all of whom shall be District residents.

SECTION 9. The Board of Directors finds that adoption of this Ordinance creating a government funding mechanism or other government fiscal activity does not constitute a project under the California Environmental Quality Act (CEQA) (14 Cal. Code. Regs., section 15378(b)(4)). The final design of and alternatives considered for any particular project shall be subject to CEQA as required by law, and all environmental review required by CEQA shall be completed before any specific project is commenced.

SECTION 10. The District proposes to issue and sell General Obligation Bonds of the District pursuant to section 5568 of the California Public Resources Code, Article 9, commencing with section 43600 of Chapter 4 of Division 4 of Title 4 of the California Government Code and/or Article 4.5, commencing with section 53506, of Chapter 3 of Part 1 of Division 2 of Title 5 of the California Government Code, in one or more series, in the maximum amount and for the objects and purposes set forth above, if two-thirds of all qualified voters voting on the proposition set forth above vote in favor thereof. The bonds are to be general obligations of the District, payable from and secured by taxes levied and collected in the manner prescribed by laws of the State of California. All of said bonds are to be equally and ratably secured, without priority, by the taxing power of the District.

SECTION 11. The polls for said election shall be open the day of said election in accordance with the California Elections Code.

SECTION 12. The election hereby called for the date hereinbefore specified shall be and is hereby, ordered consolidated with the Statewide General Election to be held within the District on said date, and within the territory affected by the consolidation, the election shall be held and conducted, election officials appointed, voting precincts designated, ballots printed, polls opened and closed, ballots counted and returned, returns canvassed, results declared, and all other proceedings incidental to and connected with the election shall be regulated and done in accordance with the provisions of law regulating the Statewide general election and specified herein. The Board of Supervisors of the County of San Mateo, the Board of Supervisors of the County of Santa Clara and the Board of Supervisors of the County of Santa Cruz are hereby requested to order the consolidation of the election hereby called with said Statewide general election, and the Board of Supervisors of the County of San Mateo, the Board of Supervisors of the County of Santa Clara and the Board of Supervisors of the County of Santa Cruz are hereby authorized to canvass the returns of said election, and said election shall be held in all respects as if there were only one election and only one form of ballot shall be used in each of the affected counties. Each of said Board of Supervisors shall certify the results of the canvass of the returns of said district election in each of the respective counties to the Board of Directors of this District, which shall thereafter declare the results thereof. The proposition submitted by this Ordinance shall be designated on each ballot by a letter printed on the left margin of the square containing the description of the proposition, as provided in the California Elections Code.

SECTION 13. All persons qualified to vote at general district elections in the District upon the date of the election herein provided for shall be qualified to vote upon the proposition submitted at said election.

SECTION 14. Ballots for the election shall be in form and in the number as required by law. On said ballots, in addition to any other printed matter which may be required by law, two (2) voting squares shall be set off to the right of the proposition submitted at the election, in the manner provided by law, one having the word "YES" printed before it, and the other having the word "NO" printed before it.

SECTION 15. Each voter to vote for the proposition and for the incurring of said indebtedness shall stamp or write a cross, or indicate by hold punch or other means, in the blank space opposite the word "YES" on the ballot to the right of the proposition; and each voter to vote against the proposition and against the incurring of said indebtedness shall stamp or write a cross, or indicate by hold punch or other means, in the blank space opposite the word "NO" on the ballot to the right of the proposition.

SECTION 16. The District hereby requests and directs that San Mateo, Santa Clara and Santa Cruz Counties print the full text of this Ordinance, inclusive of attachments in each County's respective Voter Information Pamphlet. The Clerk of the Board of the District is hereby authorized and directed to take such

actions and fill out such forms as is necessary to accomplish this direction for publication of the full text of the proposition in the Voter Information Pamphlets.

SECTION 17. The District hereby requests and directs that San Mateo, Santa Clara and Santa Cruz Counties allow arguments for and against this measure to be filed pursuant to Elections Code section 9282 *et seq.* The Board adopts the provisions of Elections Code section 9285 to allow rebuttal arguments for the ballot measure.

SECTION 18. The District will reimburse separately San Mateo, Santa Clara and Santa Cruz Counties for the actual costs incurred by each of the county's elections officials in conducting the election upon receipt of a bill stating the amount due as determined by the elections officials pursuant to State law.

SECTION 19. This Ordinance shall be published once a day for at least seven days in a newspaper printed, published and circulated at least six (6) days a week in the District, or once a week for two weeks in a newspaper printed, published and circulated less than six (6) days a week in the District. The first of said publications shall, in either event, be within thirty (30) days after the adoption of this ordinance. The Clerk of the Board of the District is hereby authorized and directed to make said publications and to transmit, for receipt no later than March 7, 2014, a certified copy of this Ordinance to the appropriate officials of San Mateo County, Santa Clara County and Santa Cruz County responsible for preparing the ballots for said election.

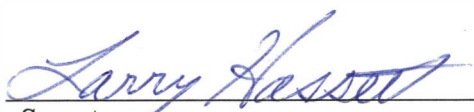
SECTION 20. This Ordinance shall become effective immediately as an ordinance relating to an election pursuant to Government Code section 36937(a) upon its adoption by two-thirds vote of all the members of this Board of Directors.

Introduced at a regular meeting of the Board of Directors held on February 12, 2014 and adopted as an ordinance of the Midpeninsula Regional Open Space District at a regular meeting of the Board of Directors on February 26, 2014, by the following vote:

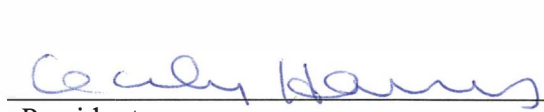
AYES: CYR, HANKO, HARRIS, HASSETT KISHIMOTO, RIFFLE, SIEMENS
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

ATTEST:

APPROVED:

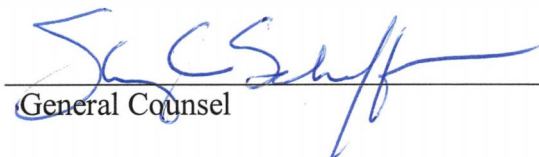


Secretary
Board of Directors



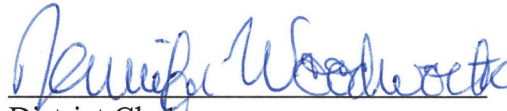
President
Board of Directors

APPROVED AS TO FORM:



General Counsel

I, the District Clerk of the Midpeninsula Regional Open Space District, hereby certify that the above is a true and correct copy of an ordinance duly adopted by the Board of Directors of the Midpeninsula Regional Open Space District by the above vote at a meeting thereof duly held and called on the above day.


District Clerk

**EXHIBIT A
Expenditure Plan**

TITLE: To improve access to hiking and biking opportunities, protect and preserve redwood forests, natural open spaces, the scenic beauty of the region and coastline, critical wildlife habitat, restore creeks to protect water quality, and reduce forest fire risk.

1. SUMMARY

Founded by voters in 1972, the Midpeninsula Regional Open Space District (“District”) has protected, in perpetuity, 62,000 acres of open space containing 26 preserves and more than 220 miles of trails that serve Santa Clara, San Mateo, and a portion of Santa Cruz counties. The District’s preserves provide a scenic backdrop to the region offering residents places for hiking, biking, horseback riding, or simply connecting with nature, close to home. Throughout its 41-year history the District has used taxpayer dollars wisely, leveraging funds to bring in state, federal, and private grant money, and providing annual audits in a transparent public process. The District is governed by a publicly elected board of directors.

Over the years, the number of acres and miles of trails the District owns and maintains have steadily increased, as have the number of visitors and the cost of land. Expanding public access, restoring sensitive environments and purchasing land are costly, yet are high priorities for the public.

To reinforce and expand these types of services and resources, the Board of Directors is placing this funding measure on the June 3, 2014 ballot.

\$300 million in General Obligation Bonds will be sold. The bond repayment would be financed by an annual property tax override based on a tax rate not to exceed \$3.18 per \$100,000 of assessed value of property owned per year.

This Expenditure Plan outlines priority actions identified by the public and proposed by the District to be funded with bond proceeds. Part B describes each priority action and describes what goals it will achieve. Part C of the Expenditure Plan describes the establishment of an independent Citizen Oversight Committee.

2. PRIORITY ACTIONS

The priority actions listed below are the result of a process that combined scientific analysis with broad public engagement to create a shared vision for the future of the District and the region's open space. Each priority action may address one or more of the following as more specifically described in the table **Priority Actions, By Region** attached to this Expenditure Plan:

- Improved hiking, biking, and equestrian opportunities
- Protection and preservation of redwoods, natural open spaces, the scenic beauty of the region and coastline, critical habitats
- Restoration of creeks to protect water quality
- Reduction of forest fire risk

Priority actions are distributed throughout the District as depicted on the map attached to this Expenditure Plan.

If approved, the bond proceeds would be allocated to fund the capital improvements necessary to implement the priority actions listed below. Note: the number associated with each priority action does not denote its priority level, but is only used for identification purposes to correlate with the locations depicted on the map.

The estimates associated with each priority action are in 2014 dollars. These are estimates only, and the actual costs may change in implementation.

The District may annually review and propose amendments to the Expenditure Plan to provide for the use of additional federal, state and local funds, to account for unexpected revenues, or to take into consideration unforeseen circumstances. The District shall act on no more than one package of amendments each fiscal year. The District shall establish a process for proposed Expenditure Plan amendment(s) which ensures that the Citizen Oversight Committee is included in the development. Upon completion of this process, amendments(s) to the Expenditure Plan must be passed by a two-thirds majority of the District Board in a publicly noticed meeting.

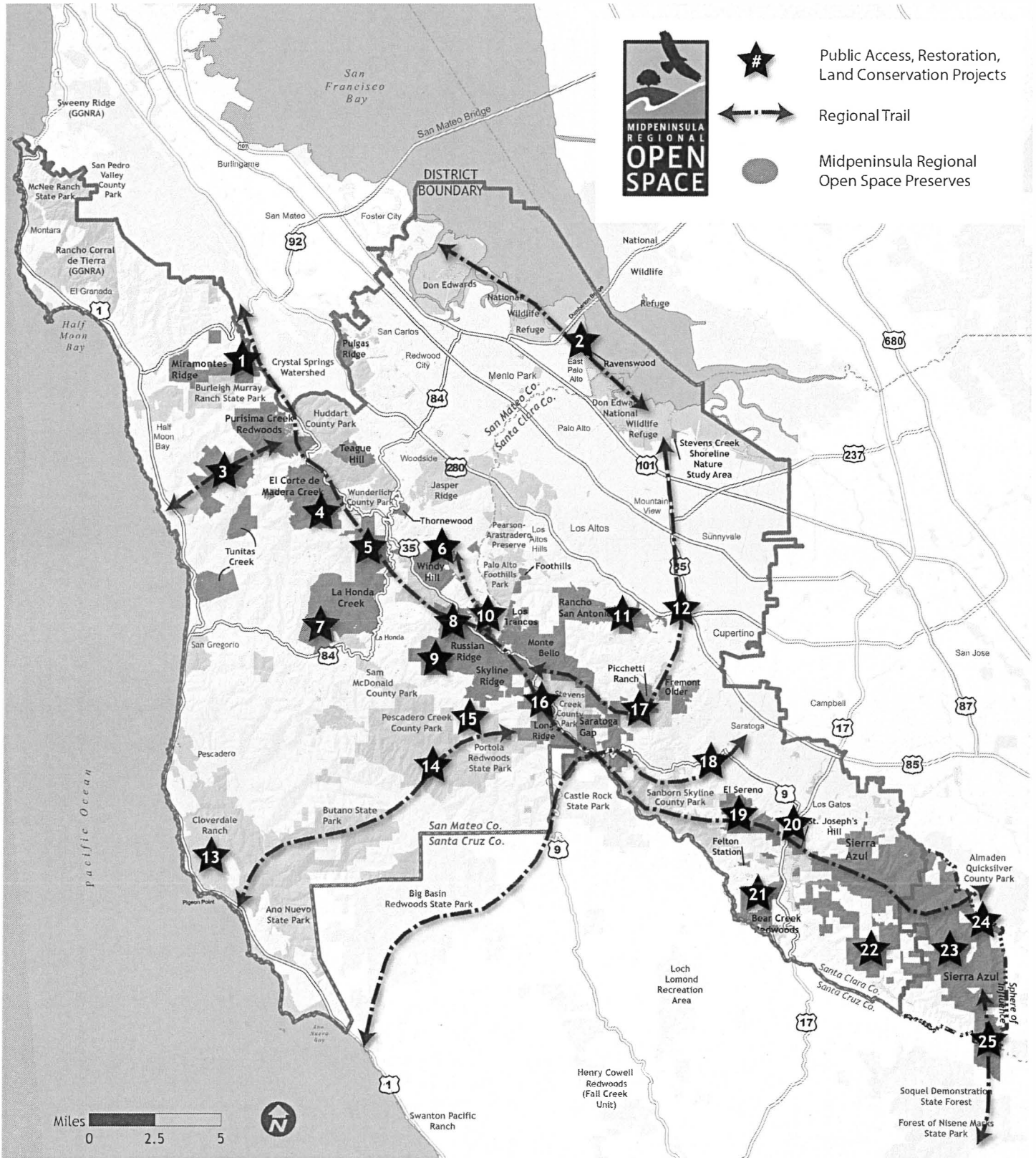
PRIORITY ACTIONS, BY REGION

South Bay Foothills (Los Gatos, Monte Sereno, Saratoga, and Santa Cruz Mountains)	
18	South Bay Foothills: Saratoga-to-Sea Trail and Wildlife Corridor Protect wildlife corridor along Highway 9. Connect trail to Saratoga-to-Sea Trail and Skyline-to-Sea Trail. \$1,365,000
19	El Sereno: Dog Trails and Connections Provide infrastructure to open trails to dogs. Develop connections to Skyline, Sanborn County Park, & Lexington Reservoir. \$2,254,000
20	South Bay Foothills: Wildlife Passage and Ridge Trail Improvements Establish safe corridors for mountain lions across Highway 17. Establish Bay Area Ridge Trail crossing. \$13,966,000
21	Bear Creek Redwoods: Public Recreation and Interpretive Projects Open for hiking, equestrian activities. Provide parking areas, trails; upgrade stables. Restore & protect habitats for various species. Repair roads & trails to reduce sediment. Rehabilitate Alma College site. \$17,478,000
22	Sierra Azul: Cathedral Oaks Public Access and Conservation Projects Develop multi-use trail & plan future trails as land is available. Develop parking. Restore plant communities and soils. Install trailside amenities. Preserve additional open space and complete wildlife corridor in upper Los Gatos Creek watershed. \$6,714,000
23	Sierra Azul: Mt. Umunhum Public Access and Interpretation Projects Open Mt. Umunhum for multi-use public access to summit via road and trail. Open Bay Area Ridge Trail and nearby trail connections. Preserve additional open space and complete wildlife corridor. \$27,972,000
24	Sierra Azul: Rancho de Guadalupe Family Recreation Open Rancho de Guadalupe to public access. Develop accessible multi-use trails with amenities such as parking and family recreation. Restore habitat for rare species. Protect cultural and natural resources. \$10,078,000
25	Sierra Azul: Loma Prieta Area Public Access, Regional Trails and Habitat Projects Provide public access and recreation, including small campground. Develop, improve, connect regional multi-use trails to Forest of Nisene Marks State Park, to protected land to east, and to Mt. Umunhum. Protect Steelhead habitat, rare plants and grasslands, restore Knobcone Pine stands. \$7,986,000

Peninsula Foothills and Bay (Cupertino, Los Altos, Los Altos Hills, Sunnyvale, Mountain View, Palo Alto, East Palo Alto, Menlo Park, Atherton, Redwood City, San Carlos, Woodside, Portola Valley, Skyline)	
2	Regional: Bayfront Habitat Protection and Public Access Partnerships Partner to complete gaps in Bay Trail and develop city-to-bay trails. Support wetland restoration and associated interpretive facilities. Preserve additional bayfront open space. \$5,052,000
4	El Corte de Madera Creek: Bike Trail and Water Quality Projects Develop single-use biking/hiking trails, complete Ridge Trail gaps, and develop trail system leading to parking area. Restore damaged trails to improve water quality. Preserve additional open space as available. \$8,376,000
5	La Honda Creek: Upper Area Recreation, Habitat Restoration and Conservation Grazing Projects Open upper half of the preserve to public; provide biking/hiking/equestrian trails, dog access, and staging areas. Provide loop & connector trails. Restore habitat for rare species. Improve fencing, corrals, and water systems to reintroduce conservation grazing. \$11,733,000
6	Windy Hill: Trail Improvements, Preservation and Hawthorns Area Historic Partnership Improve trails, complete pond facilities. Increase multi-use trails, study possible improvements to increase dog use. Open Hawthorns Area; develop trails connecting to Portola Valley and Palo Alto trails. Partner to protect, restore, and interpret historic buildings. Improve habitat conditions in Los Trancos Creek. Preserve additional scenic open space as available. \$12,740,000
8	La Honda Creek/Russian Ridge: Preservation of Upper San Gregorio Watershed & Ridge Trail Completion Preserve upper San Gregorio watershed; restore endangered species habitats. Support opportunities to provide additional water for fisheries. Complete Bay Area Ridge Trail multi-use connections and gaps. Provide additional public use facilities. \$15,347,000
9	Russian Ridge: Public Recreation, Grazing and Wildlife Protection Projects Open currently closed areas of preserve. Construct and extend trails. Improve fencing, corrals, and water systems to reintroduce conservation grazing. Improve habitat for sensitive species, implement pond enhancement projects for garter snakes and red-legged frogs. \$5,560,000
10	Coal Creek: Reopen Alpine Road for Trail Use Reopen Alpine Road as trail connection between Portola Valley & Skyline Blvd. Reroute trails to reduce erosion and improve visitor experience. \$8,017,000
11	Rancho San Antonio: Interpretive Improvements, Refurbishing, and Transit Solutions Add welcome center, refurbish and add interpretive exhibits to Deer Hollow Farm. Support of transit improvement options such as bike trails, bikeshare station, bus service, or additional parking. \$10,811,000
12	Peninsula/South Bay Cities: Partner to Complete Middle Stevens Creek Trail Support work by cities to develop the middle section of the Stevens Creek Trail and enhance neighborhood connections. Support work by partners to complete stream corridor restoration and steelhead habitat enhancement below dam. Develop and install interpretive signage. \$1,038,000
16	Long Ridge: Trail, Conservation and Habitat Restoration Projects (Saratoga) Improve roadside parking and provide restrooms. Develop new trail connections to Eagle Rock and Devils Canyon. Repair trails for year-round multi-use access. Protect watersheds for steelhead. Preserve additional open space as available. Implement pond and habitat enhancement restoration projects to benefit rare species. \$5,140,000
17	Regional: Complete Upper Stevens Creek Trail Complete multi-use connection between the Bay Trail & Bay Area Ridge Trail above the reservoir through Picchetti Ranch Open Space Preserve & Lower/Upper Stevens Creek County Parks. Improve Preserve trails and neighborhood connections. Preserve additional open space as available. \$7,760,000

Coast (Half Moon Bay, San Gregorio, Pescadero, La Honda,)	
1	Miramontes Ridge: Gateway to the Coast Public Access, Stream Restoration and Agriculture Enhancement Preserve scenic open space land as available, and establish wildlife corridor. Restore fish and red-legged frog habitats in Madonna Creek watershed. Partner to enhance water availability for agriculture and fish. Develop trail loop system, including Ridge Trail and neighborhood access points. Develop staging area, repair bridges. \$27,774,000
3	Purisima Creek Redwoods: Purisima-to-Sea Trail, Watershed Protection and Conservation Grazing Complete and open multi-use Purisima-to-Sea trail connection between Ridge Trail and Coastal Trail, and new parking areas. Preserve additional open space as available. Remove fish barriers and restore Lobitos Creek. Restore ponds for endangered species. \$7,608,000
7	La Honda Creek: Driscoll Ranch Public Access, Endangered Wildlife Protection and Conservation Grazing Open Driscoll Ranch Area; provide biking/hiking/equestrian trails, limited dog access, parking areas, and interpretive displays. Develop loop & connector trails. Restore habitat for endangered species. Restore La Honda Creek; remove fish migration barriers. \$14,825,000
13	Cloverdale Ranch: Wildlife Protection, Grazing and Trail Connections Improve fencing, corrals, and water systems to increase conservation grazing and sustain large contiguous grasslands. Restore habitat for endangered species. Provide trail connections to nearby State parks. \$15,712,000
14	Regional: Trail Connections and Campgrounds Develop trails between Butano, Pescadero County Park, Pescadero, Russian Ridge, and between Skyline and Portola Redwoods, Big Basin State Park. Partner with County and State Parks to improve existing campgrounds. \$3,966,000
15	Regional: Redwood Protection and Salmon Fishery Conservation Preserve additional open space as available. Protect and enhance redwood stands, mountain scenery, various habitats and steelhead salmon. \$50,728,000

EXHIBIT A



3. INDEPENDENT CITIZEN OVERSIGHT COMMITTEE

An Independent Citizen Oversight Committee will be formed to verify expenditures of bond proceeds. The Independent Citizen Oversight Committee will consist of seven at-large members, all of whom shall be District residents. The Citizen Oversight Committee will be selected by the Board and interviewed and approved in open session, and will be subject to the conflict of interest constraints of the California Political Reform Act.

The responsibilities of the Committee include:

- Review Plan expenditures on an annual basis to verify conformity with the Expenditure Plan.
- Review District's Annual Audit and Annual Accountability report and present the Committee's findings to the Board at a public meeting.
- Review any proposed amendments to the Expenditure Plan.

**EXHIBIT B
TAX RATE STATEMENT**

An election will be held in the Midpeninsula Regional Open Space District (the "District") on June 3, 2014, to authorize the sale of up to \$300 million in bonds of the District to provide public access and acquire, restore, and preserve open space throughout the District as described in the ballot measure. If the bonds are approved, the District expects to sell the bonds in several series over time. Principal and interest on the bonds will be payable from the proceeds of tax levies made upon the taxable property in the District. The information contained in numbered paragraphs 1 - 3 below is provided in compliance with sections 9400-9404 of the Elections Code of the State of California.

1. The best estimate of the tax which would be required to be levied to fund this bond issue during the *first* fiscal year after the sale of the first series of bonds, based on estimated assessed valuations available at the time of filing of this statement, is \$1.00 per \$100,000 of assessed valuation in fiscal year 2015-16.

2. The best estimate of the tax rate which would be required to be levied to fund this bond issue during the first fiscal year after the sale of the *last* series of bonds, based on estimated assessed valuations available at the time of filing of this statement, is \$2.90 per \$100,000 of assessed valuation in fiscal year 2044-45.

3. The best estimate of the *highest* tax rate which would be required to be levied to fund this bond issue, based on estimated assessed valuations available at the time of filing of this statement, is \$3.18 per \$100,000 of assessed valuation in fiscal year 2034-35.

Voters should note that the estimated tax rates are based on the estimated *ASSESSED VALUE* of taxable property on the respective County's official tax rolls, not on a property's market value. Property owners should consult their own property tax bills to determine their property's assessed value and any applicable tax exemptions.

Attention of all voters is directed to the fact that the foregoing information is based upon the District's projections and estimates only, which are not binding upon the District. The actual tax rates and the years in which they will apply may vary from those presently estimated, due to variations from these estimates in the timing of bond sales, the amount of bonds sold and market interest rates at the time of each sale, and actual assessed valuations over the term of repayment of the bonds. The dates of sale and the amount of bonds sold at any given time will be determined by the District based on its needs for funds and other factors. The actual interest rates at which the bonds will be sold will depend on the bond market at the time of each sale. Actual future assessed valuation will depend upon the amount and value of taxable property within the District as determined by the respective County Assessor in the annual property value assessment process.

Dated: _____, 2014.

General Manager
Midpeninsula Regional Open Space District

ORDINANCE NO. 2014-02

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE MIDPENINSULA REGIONAL OPEN SPACE DISTRICT CALLING AN ELECTION AND ORDERING THE SUBMISSION OF A PROPOSITION FOR INCURRING BONDED INDEBTEDNESS NOT TO EXCEED \$300 MILLION FOR THE PURPOSE OF PROVIDING PUBLIC ACCESS AND ACQUIRING, RESTORING AND PRESERVING OPEN SPACE THROUGHOUT THE DISTRICT, TO THE QUALIFIED VOTERS OF THE MIDPENINSULA REGIONAL OPEN SPACE DISTRICT AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON JUNE 3, 2014

WHEREAS, on February 12, 2014, the Board of Directors of the Midpeninsula Regional Open Space District (the "District") adopted, by a unanimous vote of all five members of said Board of Directors present (two absent), a Resolution entitled "Determination that the Public Interest and Necessity Demand Providing Public Access, and Acquiring, Restoring and Preserving Open Space Throughout the District, with Financing Through the Issuance of General Obligation Bonds" (the "Resolution"); and

WHEREAS, in order to provide for the issuance by the District of its general obligation bonds to finance the costs of providing public access and acquiring, restoring and preserving open space throughout the District, it is necessary for this Board of Directors to pass an ordinance ordering the submission of the proposition of incurring bonded indebtedness for such purpose to the qualified voters of the District at an election; and

WHEREAS, a General Election for the District is to be held on Tuesday, June 3, 2014; and

WHEREAS, the Board of Directors desires to submit to the voters at said election the proposition of incurring bonded indebtedness as hereinafter set forth; and

WHEREAS, the Board of Directors desires to consolidate the District election with the General Election to be held in the District on June 3, 2014.

Now therefore, the Board of Directors of the Midpeninsula Regional Open Space District does ordain as follows:

SECTION 1. That a district election is hereby called and ordered to be held in the District on June 3, 2014, at which election there shall be submitted to the qualified voters the proposition set forth below:

SECTION 2. That said proposition shall appear on the ballot for said district election in the following form:

YES	To improve access to hiking and biking opportunities, protect and preserve redwood forests, natural open spaces, the scenic beauty of our region and coastline, critical wildlife habitat, restore creeks to protect water quality, and reduce forest fire risk; shall Midpeninsula Regional Open Space District be authorized to issue up to \$300 million in bonds, at a tax rate not to exceed \$3.18 per \$100,000 of assessed value of property owned, with expenditures verified by an independent citizen oversight committee?
NO	

The Board does hereby submit to the qualified voters of the District, at said district election, this Ordinance and the proposition set forth above.

SECTION 3. The indebtedness to be incurred by the District shall be for the object and purpose set forth in the Resolution, namely, to provide public access and acquire, restore and preserve open space throughout the District and to implement a set of priority actions as described in Exhibit A. The object and purpose of the priority actions shall be to improve access to hiking and biking opportunities, protect and preserve redwood forests, natural open spaces, the scenic beauty of the region and coastline, critical wildlife habitat, restore creeks to protect water quality, and reduce forest fire risk. Priority actions will be distributed throughout the District.

All of the foregoing described objects and purposes are referred to herein as the “Expenditure Plan” (Exhibit A) for purposes of this Ordinance.

The indebtedness incurred under this Ordinance shall include the cost of legal and other fees incidental to or connected with the authorization, issuance and sale of the general obligation bonds.

SECTION 4. The District projects that property tax rates will not exceed an additional \$3.18 per year per \$100,000 of assessed valuation, as described more completely in the Tax Rate Statement that is attached hereto as Exhibit “B.” The repayment projections are based on reasonable growth assumptions, taking into account Article XIII A of the California Constitution. The foregoing provision shall not be construed to limit the power and duty of the Board of Directors to cause to be levied and collected a tax sufficient to fulfill its obligations to pay debt service on bonds in any fiscal year.

SECTION 5. The estimated cost of providing public access and acquiring, restoring and preserving open space throughout the District as outlined in the Expenditure Plan is not to exceed Three Hundred Million Dollars (\$300,000,000). The estimated cost includes the bond issuance fees.

SECTION 6. The principal amount of the general obligation bonds to be issued for the Expenditure Plan is Three Hundred Million Dollars (\$300,000,000).

SECTION 7. The rate of interest to be paid on the bonds to be issued for the Expenditure Plan shall not exceed the State of California (the ‘State’) maximum allowed rate of twelve percent (12%) per annum (unless the maximum interest rate for general obligation bonds of the District shall hereafter be increased by the Legislature of the State, in which event said maximum fixed by said Legislature shall apply).

SECTION 8. Under sections 53410 and 53411 of the California Government Code, the bonds shall be for the specific purposes authorized in this Ordinance and the proceeds of such bonds will be applied only to the Expenditure Plan. The District will comply with the requirements of section 53410 of the California Government Code.

An annual report will be prepared by the District consistent with the accountability measures as required in California Government Code section 53411. An Independent Citizen Oversight Committee will be formed to verify annual expenditures of bond proceeds. The Citizen Oversight Committee will consist of seven at-large members, all of whom shall be District residents.

SECTION 9. The Board of Directors finds that adoption of this Ordinance creating a government funding mechanism or other government fiscal activity does not constitute a project under the California Environmental Quality Act (CEQA) (14 Cal. Code. Regs., section 15378(b)(4)). The final design of and alternatives considered for any particular project shall be subject to CEQA as required by law, and all environmental review required by CEQA shall be completed before any specific project is commenced.

SECTION 10. The District proposes to issue and sell General Obligation Bonds of the District pursuant to section 5568 of the California Public Resources Code, Article 9, commencing with section 43600 of Chapter 4 of Division 4 of Title 4 of the California Government Code and/or Article 4.5, commencing with section 53506, of Chapter 3 of Part 1 of Division 2 of Title 5 of the California Government Code, in one or more series, in the maximum amount and for the objects and purposes set forth above, if two-thirds of all qualified voters voting on the proposition set forth above vote in favor thereof. The bonds are to be general obligations of the District, payable from and secured by taxes levied and collected in the manner prescribed by laws of the State of California. All of said bonds are to be equally and ratably secured, without priority, by the taxing power of the District.

SECTION 11. The polls for said election shall be open the day of said election in accordance with the California Elections Code.

SECTION 12. The election hereby called for the date hereinbefore specified shall be and is hereby, ordered consolidated with the Statewide General Election to be held within the District on said date, and within the territory affected by the consolidation, the election shall be held and conducted, election officials appointed, voting precincts designated, ballots printed, polls opened and closed, ballots counted and returned, returns canvassed, results declared, and all other proceedings incidental to and connected with the election shall be regulated and done in accordance with the provisions of law regulating the Statewide general election and specified herein. The Board of Supervisors of the County of San Mateo, the Board of Supervisors of the County of Santa Clara and the Board of Supervisors of the County of Santa Cruz are hereby requested to order the consolidation of the election hereby called with said Statewide general election, and the Board of Supervisors of the County of San Mateo, the Board of Supervisors of the County of Santa Clara and the Board of Supervisors of the County of Santa Cruz are hereby authorized to canvass the returns of said election, and said election shall be held in all respects as if there were only one election and only one form of ballot shall be used in each of the affected counties. Each of said Board of Supervisors shall certify the results of the canvass of the returns of said district election in each of the respective counties to the Board of Directors of this District, which shall thereafter declare the results thereof. The proposition submitted by this Ordinance shall be designated on each ballot by a letter printed on the left margin of the square containing the description of the proposition, as provided in the California Elections Code.

SECTION 13. All persons qualified to vote at general district elections in the District upon the date of the election herein provided for shall be qualified to vote upon the proposition submitted at said election.

SECTION 14. Ballots for the election shall be in form and in the number as required by law. On said ballots, in addition to any other printed matter which may be required by law, two (2) voting squares shall be set off to the right of the proposition submitted at the election, in the manner provided by law, one having the word "YES" printed before it, and the other having the word "NO" printed before it.

SECTION 15. Each voter to vote for the proposition and for the incurring of said indebtedness shall stamp or write a cross, or indicate by hold punch or other means, in the blank space opposite the word "YES" on the ballot to the right of the proposition; and each voter to vote against the proposition and against the incurring of said indebtedness shall stamp or write a cross, or indicate by hold punch or other means, in the blank space opposite the word "NO" on the ballot to the right of the proposition.

SECTION 16. The District hereby requests and directs that San Mateo, Santa Clara and Santa Cruz Counties print the full text of this Ordinance, inclusive of attachments in each County's respective Voter Information Pamphlet. The Clerk of the Board of the District is hereby authorized and directed to take such

actions and fill out such forms as is necessary to accomplish this direction for publication of the full text of the proposition in the Voter Information Pamphlets.

SECTION 17. The District hereby requests and directs that San Mateo, Santa Clara and Santa Cruz Counties allow arguments for and against this measure to be filed pursuant to Elections Code section 9282 *et seq.* The Board adopts the provisions of Elections Code section 9285 to allow rebuttal arguments for the ballot measure.

SECTION 18. The District will reimburse separately San Mateo, Santa Clara and Santa Cruz Counties for the actual costs incurred by each of the county’s elections officials in conducting the election upon receipt of a bill stating the amount due as determined by the elections officials pursuant to State law.

SECTION 19. This Ordinance shall be published once a day for at least seven days in a newspaper printed, published and circulated at least six (6) days a week in the District, or once a week for two weeks in a newspaper printed, published and circulated less than six (6) days a week in the District. The first of said publications shall, in either event, be within thirty (30) days after the adoption of this ordinance. The Clerk of the Board of the District is hereby authorized and directed to make said publications and to transmit, for receipt no later than March 7, 2014, a certified copy of this Ordinance to the appropriate officials of San Mateo County, Santa Clara County and Santa Cruz County responsible for preparing the ballots for said election.

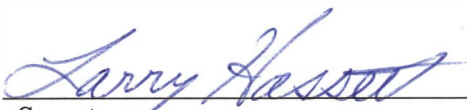
SECTION 20. This Ordinance shall become effective immediately as an ordinance relating to an election pursuant to Government Code section 36937(a) upon its adoption by two-thirds vote of all the members of this Board of Directors.

Introduced at a regular meeting of the Board of Directors held on February 12, 2014 and adopted as an ordinance of the Midpeninsula Regional Open Space District at a regular meeting of the Board of Directors on February 26, 2014, by the following vote:

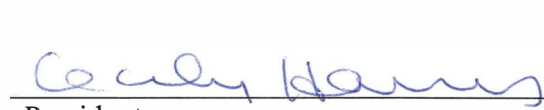
- AYES: CYR, HANKO, HARRIS, HASSETT KISHIMOTO, RIFFLE, SIEMENS**
- NOES: NONE**
- ABSTAIN: NONE**
- ABSENT: NONE**

ATTEST:

APPROVED:

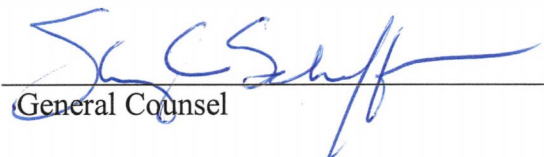


 Secretary
 Board of Directors



 President
 Board of Directors

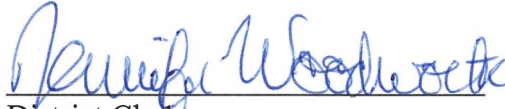
APPROVED AS TO FORM:



 General Counsel

ATTACHMENT 2

I, the District Clerk of the Midpeninsula Regional Open Space District, hereby certify that the above is a true and correct copy of an ordinance duly adopted by the Board of Directors of the Midpeninsula Regional Open Space District by the above vote at a meeting thereof duly held and called on the above day.


District Clerk

**EXHIBIT A
Expenditure Plan**

TITLE: To improve access to hiking and biking opportunities, protect and preserve redwood forests, natural open spaces, the scenic beauty of the region and coastline, critical wildlife habitat, restore creeks to protect water quality, and reduce forest fire risk.

1. SUMMARY

Founded by voters in 1972, the Midpeninsula Regional Open Space District (“District”) has protected, in perpetuity, 62,000 acres of open space containing 26 preserves and more than 220 miles of trails that serve Santa Clara, San Mateo, and a portion of Santa Cruz counties. The District’s preserves provide a scenic backdrop to the region offering residents places for hiking, biking, horseback riding, or simply connecting with nature, close to home. Throughout its 41-year history the District has used taxpayer dollars wisely, leveraging funds to bring in state, federal, and private grant money, and providing annual audits in a transparent public process. The District is governed by a publicly elected board of directors.

Over the years, the number of acres and miles of trails the District owns and maintains have steadily increased, as have the number of visitors and the cost of land. Expanding public access, restoring sensitive environments and purchasing land are costly, yet are high priorities for the public.

To reinforce and expand these types of services and resources, the Board of Directors is placing this funding measure on the June 3, 2014 ballot.

\$300 million in General Obligation Bonds will be sold. The bond repayment would be financed by an annual property tax override based on a tax rate not to exceed \$3.18 per \$100,000 of assessed value of property owned per year.

This Expenditure Plan outlines priority actions identified by the public and proposed by the District to be funded with bond proceeds. Part B describes each priority action and describes what goals it will achieve. Part C of the Expenditure Plan describes the establishment of an independent Citizen Oversight Committee.

2. PRIORITY ACTIONS

The priority actions listed below are the result of a process that combined scientific analysis with broad public engagement to create a shared vision for the future of the District and the region's open space. Each priority action may address one or more of the following as more specifically described in the table **Priority Actions, By Region** attached to this Expenditure Plan:

- Improved hiking, biking, and equestrian opportunities
- Protection and preservation of redwoods, natural open spaces, the scenic beauty of the region and coastline, critical habitats
- Restoration of creeks to protect water quality
- Reduction of forest fire risk

Priority actions are distributed throughout the District as depicted on the map attached to this Expenditure Plan.

If approved, the bond proceeds would be allocated to fund the capital improvements necessary to implement the priority actions listed below. Note: the number associated with each priority action does not denote its priority level, but is only used for identification purposes to correlate with the locations depicted on the map.

The estimates associated with each priority action are in 2014 dollars. These are estimates only, and the actual costs may change in implementation.

The District may annually review and propose amendments to the Expenditure Plan to provide for the use of additional federal, state and local funds, to account for unexpected revenues, or to take into consideration unforeseen circumstances. The District shall act on no more than one package of amendments each fiscal year. The District shall establish a process for proposed Expenditure Plan amendment(s) which ensures that the Citizen Oversight Committee is included in the development. Upon completion of this process, amendments(s) to the Expenditure Plan must be passed by a two-thirds majority of the District Board in a publicly noticed meeting.

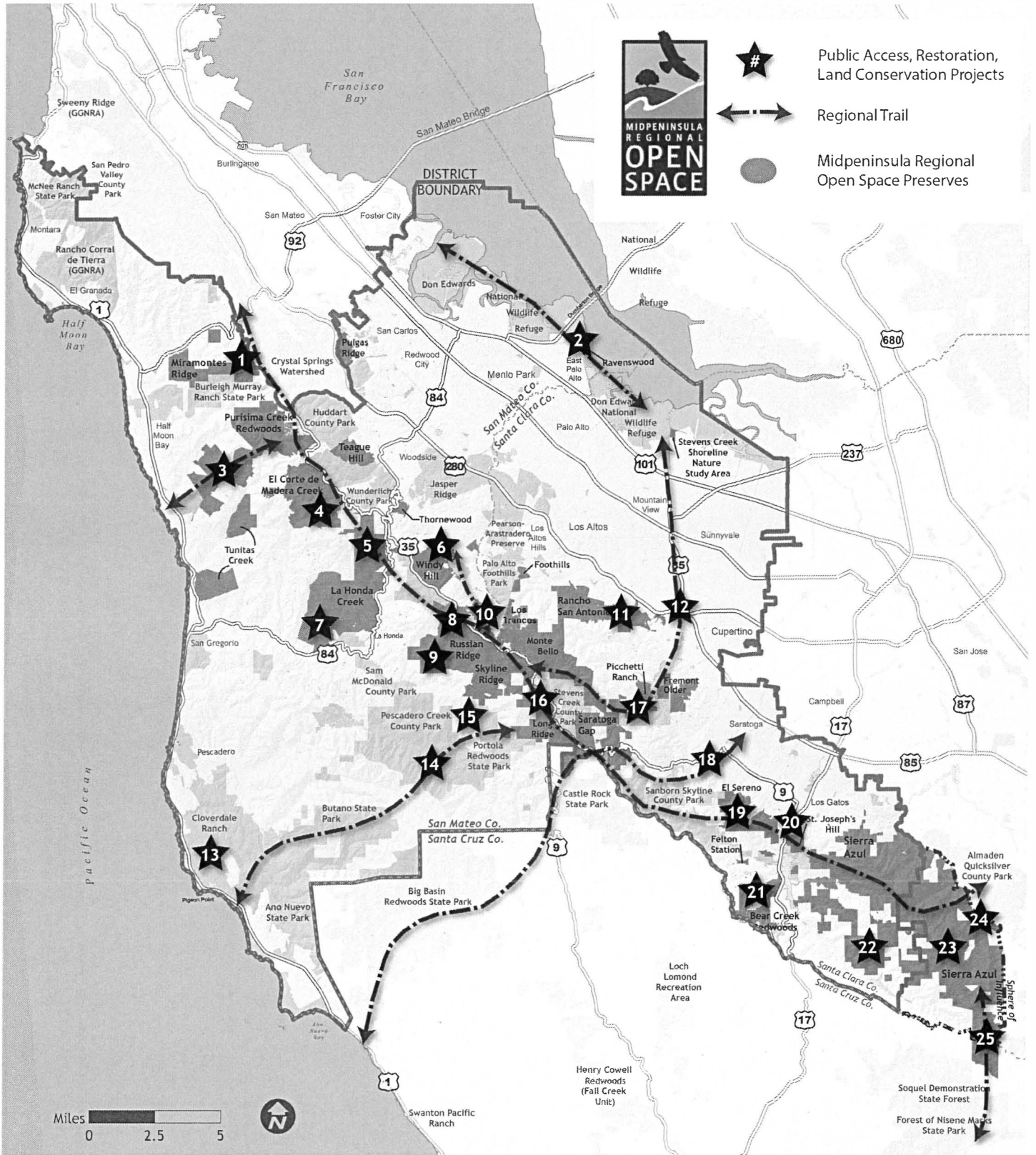
PRIORITY ACTIONS, BY REGION

South Bay Foothills (Los Gatos, Monte Sereno, Saratoga, and Santa Cruz Mountains)	
18	South Bay Foothills: Saratoga-to-Sea Trail and Wildlife Corridor Protect wildlife corridor along Highway 9. Connect trail to Saratoga-to-Sea Trail and Skyline-to-Sea Trail. \$1,365,000
19	El Sereno: Dog Trails and Connections Provide infrastructure to open trails to dogs. Develop connections to Skyline, Sanborn County Park, & Lexington Reservoir. \$2,254,000
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Peninsula Foothills and Bay (Cupertino, Los Altos, Los Altos Hills, Sunnyvale, Mountain View, Palo Alto, East Palo Alto, Menlo Park, Atherton, Redwood City, San Carlos, Woodside, Portola Valley, Skyline)	
2	Regional: Bayfront Habitat Protection and Public Access Partnerships Partner to complete gaps in Bay Trail and develop city-to-bay trails. Support wetland restoration and associated interpretive facilities. Preserve additional bayfront open space. \$5,052,000
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12	Peninsula/South Bay Cities: Partner to Complete Middle Stevens Creek Trail Support work by cities to develop the middle section of the Stevens Creek Trail and enhance neighborhood connections. Support work by partners to complete stream corridor restoration and steelhead habitat enhancement below dam. Develop and install interpretive signage. \$1,038,000
16	Long Ridge: Trail, Conservation and Habitat Restoration Projects (Saratoga) Improve roadside parking and provide restrooms. Develop new trail connections to Eagle Rock and Devils Canyon. Repair trails for year-round multi-use access. Protect watersheds for steelhead. Preserve additional open space as available. Implement pond and habitat enhancement restoration projects to benefit rare species. \$5,140,000
17	Regional: Complete Upper Stevens Creek Trail Complete multi-use connection between the Bay Trail & Bay Area Ridge Trail above the reservoir through Picchetti Ranch Open Space Preserve & Lower/Upper Stevens Creek County Parks. Improve Preserve trails and neighborhood connections. Preserve additional open space as available. \$7,760,000

Coast (Half Moon Bay, San Gregorio, Pescadero, La Honda,)	
1	Miramontes Ridge: Gateway to the Coast Public Access, Stream Restoration and Agriculture Enhancement Preserve scenic open space land as available, and establish wildlife corridor. Restore fish and red-legged frog habitats in Madonna Creek watershed. Partner to enhance water availability for agriculture and fish. Develop trail loop system, including Ridge Trail and neighborhood access points. Develop staging area, repair bridges. \$27,774,000
3	Purisima Creek Redwoods: Purisima-to-Sea Trail, Watershed Protection and Conservation Grazing Complete and open multi-use Purisima-to-Sea trail connection between Ridge Trail and Coastal Trail, and new parking areas. Preserve additional open space as available. Remove fish barriers and restore Lobitos Creek. Restore ponds for endangered species. \$7,608,000
7	La Honda Creek: Driscoll Ranch Public Access, Endangered Wildlife Protection and Conservation Grazing Open Driscoll Ranch Area; provide biking/hiking/equestrian trails, limited dog access, parking areas, and interpretive displays. Develop loop & connector trails. Restore habitat for endangered species. Restore La Honda Creek; remove fish migration barriers. \$14,825,000
13	Cloverdale Ranch: Wildlife Protection, Grazing and Trail Connections Improve fencing, corrals, and water systems to increase conservation grazing and sustain large contiguous grasslands. Restore habitat for endangered species. Provide trail connections to nearby State parks. \$15,712,000
14	Regional: Trail Connections and Campgrounds Develop trails between Butano, Pescadero County Park, Pescadero, Russian Ridge, and between Skyline and Portola Redwoods, Big Basin State Park. Partner with County and State Parks to improve existing campgrounds. \$3,966,000
15	Regional: Redwood Protection and Salmon Fishery Conservation Preserve additional open space as available. Protect and enhance redwood stands, mountain scenery, various habitats and steelhead salmon. \$50,728,000

ATTACHMENT 2



3. INDEPENDENT CITIZEN OVERSIGHT COMMITTEE

An Independent Citizen Oversight Committee will be formed to verify expenditures of bond proceeds. The Independent Citizen Oversight Committee will consist of seven at-large members, all of whom shall be District residents. The Citizen Oversight Committee will be selected by the Board and interviewed and approved in open session, and will be subject to the conflict of interest constraints of the California Political Reform Act.

The responsibilities of the Committee include:

- Review Plan expenditures on an annual basis to verify conformity with the Expenditure Plan.
- Review District's Annual Audit and Annual Accountability report and present the Committee's findings to the Board at a public meeting.
- Review any proposed amendments to the Expenditure Plan.

**EXHIBIT B
TAX RATE STATEMENT**

An election will be held in the Midpeninsula Regional Open Space District (the "District") on June 3, 2014, to authorize the sale of up to \$300 million in bonds of the District to provide public access and acquire, restore, and preserve open space throughout the District as described in the ballot measure. If the bonds are approved, the District expects to sell the bonds in several series over time. Principal and interest on the bonds will be payable from the proceeds of tax levies made upon the taxable property in the District. The information contained in numbered paragraphs 1 - 3 below is provided in compliance with sections 9400-9404 of the Elections Code of the State of California.

1. The best estimate of the tax which would be required to be levied to fund this bond issue during the *first* fiscal year after the sale of the first series of bonds, based on estimated assessed valuations available at the time of filing of this statement, is \$1.00 per \$100,000 of assessed valuation in fiscal year 2015-16.

2. The best estimate of the tax rate which would be required to be levied to fund this bond issue during the first fiscal year after the sale of the *last* series of bonds, based on estimated assessed valuations available at the time of filing of this statement, is \$2.90 per \$100,000 of assessed valuation in fiscal year 2044-45.

3. The best estimate of the *highest* tax rate which would be required to be levied to fund this bond issue, based on estimated assessed valuations available at the time of filing of this statement, is \$3.18 per \$100,000 of assessed valuation in fiscal year 2034-35.

Voters should note that the estimated tax rates are based on the estimated *ASSESSED VALUE* of taxable property on the respective County's official tax rolls, not on a property's market value. Property owners should consult their own property tax bills to determine their property's assessed value and any applicable tax exemptions.

Attention of all voters is directed to the fact that the foregoing information is based upon the District's projections and estimates only, which are not binding upon the District. The actual tax rates and the years in which they will apply may vary from those presently estimated, due to variations from these estimates in the timing of bond sales, the amount of bonds sold and market interest rates at the time of each sale, and actual assessed valuations over the term of repayment of the bonds. The dates of sale and the amount of bonds sold at any given time will be determined by the District based on its needs for funds and other factors. The actual interest rates at which the bonds will be sold will depend on the bond market at the time of each sale. Actual future assessed valuation will depend upon the amount and value of taxable property within the District as determined by the respective County Assessor in the annual property value assessment process.

Dated: _____, 2014.

General Manager
Midpeninsula Regional Open Space District

Project Number	Project Name	Target Completion Date	Purpose	FY24 Scope	FY25 Scope	FY26 Scope	Remaining Estimated Cost
MAA03-002	Purisima Upland Site Cleanup and Soil Remediation	6/30/2026	Complete site cleanup and soil remediation around existing empty oil tank to protect natural resource values.	Finalize design, CEQA, and permitting. Begin the request for bids process for remediation project. The scope of work and budget is subject to change following additional assessment from staff.	Remediate former oil facility and other areas, clean up debris, and install erosion control as needed. The scope of work and budget is subject to change following additional assessment from staff.	Project largely completed in prior fiscal year. Monitor and maintain site for next few years. The scope of work and budget is subject to change following additional assessment from staff.	\$ 636,211
MAA03-006	South Cowell Upland Land Conservation	6/30/2026	Complete land division application with San Mateo County for future fee transfer of upland property and adjacent residence to preserve upland grassland habitat and support opportunities for parking, patrol and trail access for the planned Purisima-to-the-Sea regional trail corridor.	Continue to work with the county to complete a land division application, which has been delayed by litigation.	After litigation is resolved, complete 100% fee transfer escrow.	After litigation is resolved, complete 100% fee transfer escrow.	\$ 15,354
MAA03-007	Purisima-to-the-Sea Habitat Enhancement and Water Supply Improvement Plan	6/30/2025	Develop pond management plan for Purisima-to-the-Sea properties to enhance pond habitat for native wildlife and to improve water supply source that supports conservation grazing program.	Execute contract to implement stockwater infrastructure improvements. Begin permitting and design phase of pond reconstruction.	Complete stockwater infrastructure improvements. Develop habitat management plan.	Construction phase of pond reconstruction.	\$ 460,000
MAA03-009	Purisima-to-the-Sea Parking	10/31/2028	Provide a public access staging area and connections to the redwoods trail system and the Coastal Trail. Plan, design, permit and construct new parking area and trailhead amenities.	Hire a design consultant and begin conceptual designs (designs will inform CEQA review that is planned under the Purisima-to-the-Sea Comprehensive Use and Management Plan).	Complete final conceptual design and forward to the Board for approval. Begin design development. Prepare and submit regulatory permits.	Complete design development and prepare construction documents. Prepare and submit local permits.	\$ 4,631,850
MAA03-010	Purisima-to-the-Sea Trail	10/31/2029	Connect the existing Purisima Creek Redwoods trail system to the Pacific Ocean by completing the multi-use Purisima-to-the-Sea Trail.	Initiate trail design and engineering and conduct focused biological and cultural resource surveys on preferred trail alignment.	Complete trail design and engineering. Submit regulatory and county permit applications	Secure permits.	\$ 1,278,436
MAA03-011	Lobitos Creek Fisheries Restoration	12/31/2030	Restore fish passage to the Lobitos Creek watershed through improvements on Highway 1 (Caltrans) and Lobitos Creek Road (San Mateo County).	Project deferred to FY26.	Project deferred to FY26.	Hire a consultant to collect topographic, habitat and other data to inform a high-level conceptual design and rough cost estimate for fish passage improvements across Highway 1.	\$ 654,000
MAA03-012	Purisima Preserve Comprehensive Use and Management Plan	12/31/2024	Develop comprehensive plan for new public access improvements and resource and land management activities. Include recommended actions for the Purisima-to-the-Sea Trail and Parking Area, Hwy 35 Trail Crossing and Parking Expansion, Purisima Multimodal Access. This conceptual plan would serve as the basis to conduct environmental (CEQA) review and initiate the permitting process.	Conduct additional technical studies as needed and develop draft CUMP. Conduct public outreach and review with Planning & Natural Resources Committee to finalize the draft CUMP. Forward the CUMP to the Board to approve as the CEQA Project Description. Contract with CEQA consultant and initiate environmental review.	Complete the CEQA review and seek Board approval of the CUMP.	Project completed in prior fiscal year(s).	\$ 60,000
Total							\$ 7,735,851