

# SONOMA COUNTY OPEN SPACE FISCAL OVERSIGHT COMMISSION

## COMMISSIONERS

Mike Sangiacomo (Sonoma)  
Todd Mendoza (Petaluma)  
Dee Swanhuysen (Sebastopol)

Bob Anderson (Healdsburg)  
Eric Koenigshofer (Occidental)  
Jeff Owen (Alternate)

Regular Meeting  
747 Mendocino Avenue – Suite 100, Santa Rosa, CA 95401  
April 9, 2015 5:00 pm

## AGENDA

1. **Call to Order.**
2. **Agenda Items to be Held or Taken Out of Order; Off-Agenda Items.**
3. **General Announcements Not Requiring Deliberation or Decision.**
4. **Public Comment.**  
The Brown Act requires that time be set aside for public comment on items not agendized.
5. **Correspondence/Communication.**
6. **Approval of Commission Minutes.** [Attachment 1]  
March 5, 2015
7. **Ad Hoc Committee Reports.**
  - Annual Report/Audit Report Review (Anderson, Swanhuysen)
  - Investment (Swanhuysen, Owen)
  - Review of County Services (Mendoza, Koenigshofer)
  - Stewardship (Mendoza, Sangiacomo)
  - Operation and Maintenance Transaction Review (Anderson, Koenigshofer)
  - Matching Grant Program (Koenigshofer, Owen)
8. **Initial Public Access, Operation and Maintenance – Review Revised Policy.** [Attachment 2]  
*Carried over from November 6, 2014, February 5, 2015, March 5, 2015*
9. **Adjournment.**  
Suggested Next Meeting: May 7, 2015

In compliance with Government Code §54954.2(a), the Sonoma County Open Space Fiscal Oversight Commission will, on request, make this agenda available in appropriate alternative formats to persons with a disability, as required by Section 202 of the ADA of 1990 (42 U.S.C. §12132), and the Federal rules and regulations adopted in implementation thereof. Individuals who need this agenda in another format or need a disability-related modification or accommodation should contact Sue Jackson at 707.565.7346 at least 72 hours prior to the meeting to ensure arrangements for accommodation. Pursuant to Government Code § 54957.5, a copy of all documents related to an item on this agenda submitted to the Fiscal Oversight Commission may be obtained from the Fiscal Oversight Commission office, 747 Mendocino Avenue, Santa Rosa, CA 95401.

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## UNAPPROVED

### Minutes for Meeting of March 5, 2015

Commissioners Present: Koenigshofer (Chair), Anderson (Vice Chair), Mendoza, Swanhuysen, Owen

Staff Present: Bill Keene, General Manager; Mary Dodge, Administrative and Fiscal Services Manager; Sheri Emerson, Program Manager – Stewardship; Misti Arias, Program Manager – Acquisitions; Jacob Newell, Associate Planner – Stewardship; Sara Press, Land Acquisition Associate; Jennifer Kuszmar, Associate Planner – Matching Grant Coordinator; Martha (Marty) McCoy, Counsel; Sue Gallagher, Counsel; Christine Minkel, Administrative Aide to the Commission, Sue Jackson, Deputy Clerk/Recorder-Fiscal Oversight Commission.

1. **Call to Order.**

Commissioner Koenigshofer called the meeting to order at 5:04 pm.

2. **Agenda Items to be Held or Taken Out of Order; Off Agenda Items.**

There were none.

3. **General Announcements Not Requiring Deliberation or Decision.**

Mr. Keene made the following announcements:

- On March 14, 2015, the East Slope Sonoma Mountain Trail opening and dedication will be celebrated at Jack London Park. The event begins at 10:30 am.
- On March 23, 2015, the North Sonoma Mountain Regional Park and Open Space Preserve ribbon-cutting and dedication will take place at the Jacobs Ranch staging area. The event is from 2:00 pm to 3:00 pm with an optional hike after the program.

4. **Public Comment.**

There was none.

5. **Correspondence/Communication.**

There was none.

6. **Approval of Commission Minutes.**

On a motion by Commissioner Anderson and second by Commissioner Swanhuysen, the minutes of January 15, 2015 were approved as submitted.

7. **Ad Hoc Committee Reports.**

- Annual Report/Audit Report Review – nothing to report.
- Investment – nothing to report.
- Review of County Services – nothing to report.
- Stewardship – nothing to report.

- Operation and Maintenance Transaction Review – nothing to report.
- Matching Grant Program – nothing to report.

8. **Creation of Ad Hoc Committees for 2015 and Assignment of Commissioners.**

Commissioner Koenigshofer assigned Commissioner Swanhuysen to the Investment Committee, replacing Commissioner Mendoza. All other assignments remain the same.

9. **Initial Public Access, Operation and Maintenance.**

Ms. Emerson presented a revised version of the proposed policy, based on input received from the Advisory Committee and the Fiscal Oversight Commission. She reported that the Advisory Committee approved the version being presented at this time to the Commission. The Commission discussed the key proposed revisions to the policy, and made recommendations for changes to clarify the policy. The Commission requested that the policy be brought back for further review at the next regularly scheduled meeting on April 9, 2015.

10. **Windsor Town Green Amendment to Conservation Easement Update.**

Mr. Keene updated the Commission on progress made in negotiations with the Town of Windsor regarding a second amendment to the Windsor Town Green Easement. He reported that the Town is not interested in pursuing a second amendment, that it is not required to agree upon or execute a second amendment, and that, therefore, the matter is closed.

11. **Closed Session.**

The Commission adjourned to Closed Session at 5:47 pm. Commissioner Anderson recused himself from the meeting at this time.

12. **Report on Closed Session.**

The Commission reconvened to Open Session at 7:03 pm and reported the following:

**Foppiano Vineyards**

**Resolution No. 2015-001**

On a motion by Alternate Commissioner Owen and second by Commissioner Mendoza, and with the inclusion of APN numbers, the Commission approved the resolution determining that the District is not paying more or receiving less than Fair Market Value for the purchase of a conservation easement over the Foppiano Vineyards property.

The vote was as follows:

SANGIACOMO: Absent MENDOZA: Aye SWANHUYSER: Aye

ANDERSON: Abstain KOENIGSHOFER: Aye OWEN: Aye

AYES: 4 NOES: 0 ABSTAIN: 1 ABSENT: 1

13. **Adjournment.** Commissioner Koenigshofer adjourned the meeting at 7:05 pm.  
Suggested Next Meeting: April 2, 2015

Respectfully submitted,

Sue Jackson  
Deputy Clerk/Recorder



DATE: April 2, 2015 (Meeting April 9, 2015)

TO: Fiscal Oversight Commission

FROM: Sheri Emerson, Stewardship Program Manager

SUBJECT: Draft Initial Public Access, Operation and Maintenance Policy

At our last meeting (March 5, 2015) you discussed the draft District Initial Public Access, Operation and Maintenance Policy. In order to evaluate the potential costs associated with providing initial public access to the current portfolio of District-owned recreational properties, you requested that District staff work with Parks staff to provide information regarding the scope of improvements deemed necessary for this purpose, and rough estimate of cost.

District staff will present this information at your April 9<sup>th</sup> meeting. Parks staff will be in attendance and will be available to answer related questions.



## **DRAFT**

### **DISTRICT INITIAL PUBLIC ACCESS, OPERATION AND MAINTENANCE POLICY**

#### **BACKGROUND**

On November 7, 2006, the voters of Sonoma County approved the Sonoma County Open Space, Clean Water, and Farmland Protection Measure (Measure F, included as Appendix A), extending the District's sales tax to March 31, 2031. The measure, via an Expenditure Plan, authorized the use of sales tax revenues towards the protection of five listed open space designations:

- Community separators and greenbelts;
- Scenic landscape units and scenic corridors;
- Agriculturally productive lands;
- Biotic habitat areas, riparian corridors; and other areas of biotic significance, and
- Other open space projects.

The purpose of the Expenditure Plan "will be accomplished primarily through the purchase of development rights from willing sellers" and may include the purchase of "fee interests for outdoor public recreation where the public use would not be inconsistent with the open space designations..."

The District's Expenditure Plan also allowed for funding towards "operation and maintenance of land" (paragraph 6):

*"Operation and maintenance of land includes limited funding for initial public access, operation and maintenance of recreational lands purchased in accordance with this Plan. No more than 10 percent of total revenues generated over the life of the Measure shall be made available for operation and maintenance purposes."*

The Sonoma County Agricultural Preservation & Open Space District (District) Board of Directors established policy related to Initial Public Access, Operation and Maintenance (IPAOM) in August of 2007 through Board Resolution 07-0666 (Appendix B). This policy was updated in October of 2013 through Board Resolution 13-0410 (Appendix C).

Under the amended policy, District expenditures eligible for inclusion within the 10% cap on IPAOM expenditures include:

- Payments to entities receiving fee transfer of District-protected recreational properties for the purposes of funding operation and maintenance costs that support initial public access;
- Resource management and infrastructure maintenance on District-owned lands intended for recreational use;
- Providing interim access or permit programs, public outings and educational programs on District-protected recreational lands;
- Capital improvements to provide initial public access on District-protected lands intended for recreational use; and
- District staff and legal costs related to all of the above.

#### INTENT OF POLICY UPDATE

Since the passage of Measure F in 2006, the District has spent nearly 10% of collected sales tax revenues in accordance with Board policy. Competition for the IPAOM funds is anticipated to remain strong and it has become clear that further clarification of the existing policy is needed to ensure equitable and appropriate use of those funds.

To preserve open space and ensure fiscal responsibility, the District supports a low-impact, low-cost approach to providing recreational opportunities, where appropriate, on District-protected lands. This approach is consistent with the District's mission statement, which is:

*"The Sonoma County Agricultural Preservation and Open Space District permanently protects the diverse agricultural, natural resource, and scenic open space lands of Sonoma County for future generations."*

Further, this approach carries out explicit direction within the Expenditure Plan that "public use would not be inconsistent with the open space designations."

Limiting recreational improvements to those that are necessary to provide initial public access, along with investing in preliminary planning for and initial operation and maintenance of those improvements, reduces the impact to the environment and reduces long term maintenance and operational costs. This approach also allows for flexible use of revenues over the life of the Measure F.

Consistent with the existing IPAOM policy, the Initial Public Access, Operation and Maintenance Reserve (IPAOM Reserve) will continue to be used on District-protected lands intended for recreational use, to:

- Responsibly manage natural resources and maintain infrastructure on District-owned lands;
- Provide early public access through interim programs on District-owned lands;

- Reimburse partners providing initial public access, operation and maintenance for lands protected by the District; and
- Assist partners to create diverse, low impact, basic recreational amenities that support a variety of outdoor activities on lands protected by the District.

The District will treat all partners equitably, and will reimburse partners in a timely manner.

The IPAOM Reserve is not a source of ongoing funding. Funding will be provided for a maximum of three years, unless extraordinary circumstances can be demonstrated. Entities receiving funding are expected to demonstrate that their costs reflect market rates and standard practices for planning, developing, operating and maintaining recreational lands. Entities will be subject to a transfer or funding agreement, to the terms of a conservation easement to be retained by the District and to the provisions of a required recreation covenant. The District will conduct an annual review and audit.

#### IMPLEMENTATION PROCEDURE

The District General Manager will recommend an annual appropriation for the IPAOM Reserve that equals up to 10% of the revenue collected during the previous fiscal year. Recreational partners and the District will be eligible for reimbursement from the IPAOM Reserve for qualified expenses. Projects proposed by partnering entities will be reviewed by the Fiscal Oversight Commission and approved by the Board of Directors prior to reimbursement.

Qualifying expenditures include low-impact/low-cost activities, including minimal improvements that facilitate initial public access. Examples of minimal improvements include basic recreational amenities such as multiple-use natural surface trails and unpaved parking areas, fencing, gates, related signage, and portable or temporary restroom facilities. Preliminary planning for, and operation and maintenance of, minimal improvements are included. Universal access opportunities will be considered for inclusion in part of initial public access where appropriate, in relation to property constraints and in accordance with law.

Qualifying expenditures typically do not include off-site road work or major internal road work (turn lanes, ingress road upgrades or realignments), major water or sewer infrastructure improvements, overnight accommodations (huts, hotels, yurts, cabins, tent pads), or more developed recreational amenities (play structures, covered picnic areas). On occasion, there may be extraordinary circumstances specific to a particular property already owned by the District (as of the Board approval date of this policy) that would justify a contribution towards improvements that are otherwise not included in this policy but necessary to provide initial public access. These will be approved on a case by case basis by the Board of Directors after review by the Fiscal Oversight Commission. Any such contribution by the District would be capped at 25% of the total IPAOM request. This approach ensures that the majority of funds will be available for typical qualifying expenditures.



Reimbursements from the IPAOM Reserve to the District and to other entities will be reviewed at the end of each fiscal year by the Fiscal Oversight Commission, in accordance with Sonoma County Board of Supervisors Resolution 10-0832, confirming that expenditures are consistent with the Expenditure Plan.

Reimbursement payments to partners receiving interest in a District-protected recreational property will be for a period not to exceed three years, commencing from the date when the recreational partner receives the property interest, and shall be made on a reimbursement basis according to a District-approved Work Plan. The District may grant an extension of the three-year time frame in the case of extraordinary circumstances.

The Board of Directors will retain the flexibility to re-allocate funds from the IPAOM Reserve for other purposes eligible under Measure F as it deems appropriate.

## DEFINITIONS

*Basic Recreational Amenities:* Simple features that support a passive or low intensity outdoor recreational experience, usually including a natural surface trail, gravel or dirt parking, portable or temporary restrooms, and minimal signage.

*Initial Public Access:* Earliest feasible public access consistent with the District's responsibility to protect agricultural, scenic, and biotic resources as well as all applicable legal requirements. Such access is limited to low-impact outdoor recreational use which may include permit programs, docent-led tours, and minimal improvements that create basic recreational amenities, prior to the development of and/or full implementation of a Master Plan for full public use.

*Low-impact, Low-cost Approach:* Providing passive or low intensity, environmentally-sensitive outdoor public recreation opportunities, through construction, operation, and maintenance of minimal improvements providing basic recreational amenities. This approach allows for safe public access while minimizing both impacts to the natural environment and the cost of long-term operation and maintenance.

*Minimal Improvements:* Enhancement of existing features of the property such as ranch roads, fire roads, parking areas, trails or similar existing features, or construction of new basic recreational amenities prior to the development of and/or full implementation of a Master Plan for full public use. These improvements may require some preliminary planning, and may be capitalized in accordance with applicable policy.

*Operation and Maintenance:* Management of natural resources, maintenance of built infrastructure, and related programming in support of the operation of District-protected lands intended for recreational use.

*Recreational Land.* Property acquired or protected with District sales tax funds that is intended for public use. Recreational lands may include lands subject to conservation easements held by the District, or properties owned by the District in fee-title.

*Reimbursement to Partners:* Payments to a receiving entity accepting fee title or other interest in a recreational property purchased by the District. These payments are to be made, in accordance with the Expenditure Plan, for the purpose of securing initial public access to the property and supporting operation and maintenance costs directly resulting from that early access.

Appendices:

- A. Measure F including District Expenditure Plan
- B. Board of Directors Resolution 07-0666
- C. Board of Directors Resolution 13-0410

DRAFT



**S O N O M A   C O U N T Y**

**AGRICULTURAL PRESERVATION  
AND OPEN SPACE DISTRICT**

## **District Initial Public Access, Operation and Maintenance Policy**

Appendix A. Measure F including District Expenditure Plan

**VOTER'S PAMPHLET**  
**MEASURES, ANALYSES AND ARGUMENTS**

(whichever is applicable to your ballot)

Arguments in support of, or in opposition to, the proposed laws are the opinions of the authors.

**COUNTY OF SONOMA**  
**MEASURE F**

**F** Sonoma County Open Space, Clean Water and Farmland Protection Measure. To preserve natural lands from development; protect working farms and ranches; protect drinking water sources; improve water quality in lakes, rivers and streams; create and improve parks and trails; and preserve the coastline and beaches, shall the current quarter-cent sales tax, funding the Sonoma County Agricultural Preservation & Open Space District, be continued for twenty years, and bonds authorized to finance projects, with required independent audits and citizen oversight without increasing taxes?

**COUNTY COUNSEL'S IMPARTIAL ANALYSIS OF MEASURE F**

Currently, the Sonoma County Agricultural Preservation and Open Space Authority imposes a 1/4 cent transactions and use tax on retail sales in the county. The proceeds of this tax, which was first imposed in 1981, have been used to purchase properties such as Taylor Mountain, Montini Ranch, Tolay Regional Park, and Saddle Mountain. In addition, tax revenue has been used to purchase conservation easements over thousands of agricultural and open space acres to preserve open space in community separators and agricultural properties in the community.

The current tax will expire in 2011. The proposed measure would extend the tax an additional 20 years. The tax would continue to be collected as it is now, in the same manner as state-imposed sales tax.

The measure would also revise the existing Expenditure Plan, which governs how the funds raised by the sales tax can be spent. Since this is a special purpose tax, monies collected will be placed in a special fund and can be spent only for the purposes set out in the measure and the Expenditure Plan. These purposes include preservation of community separators and greenbelts (lands that function as open space to separate cities and other communities); preservation of scenic landscapes and corridors (areas of high scenic quality including natural landscapes and backdrops); preservation of agriculturally productive lands (including working farms and ranches); protection of biotic habitat areas, riparian corridors and other areas of biotic significance (including areas of freshwater and tidal marshes, wetlands, wildlife habitat corridors and lands along creeks and streams critical to protecting fisheries and water quality); other open space projects (such as urban open space and recreation projects within or near incorporated areas); and support of operation and maintenance of recreational lands that were purchased in accordance with the Expenditure Plan (limited to 10 percent of total revenues for this purpose).

The measure requires that the County Auditor prepare annual reports for the Board of Supervisors stating the amount of money collected, the amount spent that year, and the status of any projects funded by the tax. These reports would be public records. In addition, the Sonoma County Open Space Authority would provide independent fiscal oversight over how the money raised by the tax is spent.

The measure also authorizes the County to issue bonds or enter into lease-purchase agreements, to be paid off with the tax revenue, to take advantage of purchase opportunities from willing sellers as they become available. Any bonds issued would be paid back with the proceeds of the tax.

If two-thirds of the voters in the County who vote on this measure vote "yes," the measure will pass and the special tax will be levied.

STEVEN WOODSIDE  
County Counsel

By: s/ Kathleen Larocca  
Deputy County Counsel

**COUNTY AUDITOR'S FISCAL IMPACT STATEMENT — MEASURE F**

**Revenues:**

This measure does not increase the current sales tax. This measure continues the current Open Space sales tax collected in Sonoma County of 1/4 of one percent (.25%) for twenty years after March 31, 2011 for open space eligible for protection under the Agricultural Preservation and Open Space 2006 Expenditure Plan. Open space that is eligible for protection, under this Plan, include community separators, greenbelts, scenic landscape units, scenic corridors, agriculturally productive lands, biotic habitat areas, riparian corridors and other areas of biotic significance, and other open space projects.

Based on current sales tax collections, historical annual growth in sales tax, and the assumption that the tax will remain in effect for twenty (20) years, the Auditor-Controller estimates the sales tax collected, annually, under this measure will be approximately \$17 million to \$30 million.

Proceeds from this sales tax shall be deposited into the Open Space Special Tax Account and shall be spent only to implement the projects in the 2006 Expenditure Plan below. The County Auditor shall prepare and file, annually, with the Board of Supervisors reports containing amounts of funds collected and expended and the status of any project(s) required or authorized to be funded. Fiscal oversight will be provided by the Sonoma County Open Space Authority.

**Expenditures:**

The revenues generated by this measure are available solely for open space eligible for protection set out in the Agricultural Preservation and Open Space 2006 Expenditure Plan, and summarized below:

1. Community separators and greenbelts are lands that function as open space to separate cities and other communities.
2. Scenic landscape units and scenic corridors are areas of high scenic quality including natural landscapes and backdrops.
3. Agriculturally productive lands include working farms and ranches and other lands used for the production of food, fiber, and plant materials and the raising and maintaining of livestock and farm animals.
4. Biotic habitat areas, riparian corridors, and other areas of biotic significance include freshwater and tidal marshes, wetlands, special status species locations, woodlands and forests, wildlife habitat corridors and lands along creeks and streams critical to protecting fisheries and water quality.
5. Other open space projects include urban open space and recreation projects within Sonoma County.
6. Operation and maintenance of land includes limited funding for initial public access, operation and maintenance of recreational lands purchased per this Plan. Limited to 10% of total revenues.

**Bonds:**

This measure includes the authorization to issue limited bonds and, from time to time, enter into lease-purchase agreements with the County's Treasurer. The maximum indebtedness, including issuance cost, interest, and debt structure costs shall not exceed the total amount of proceeds from this sales tax.

In accordance with the Election Code, the scope of this fiscal impact analysis has been limited to the measure's effect on revenues and expenditures. It does not address larger countywide fiscal issues such as the measure's effect on the overall County economy.

s/ Rod Dola  
Sonoma County Auditor-Controller-Treasurer-Tax Collector

# VOTER'S PAMPHLET

## MEASURES, ANALYSES AND ARGUMENTS

(whichever is applicable to your ballot)  
Arguments in support of, or in opposition to, the proposed laws are the opinions of the authors.

### ARGUMENT IN FAVOR OF MEASURE F

As Sonoma County grows, Measure F is a unique opportunity to protect our quality of life now, and for future generations. Measure F will permanently protect lands threatened by development and preserve water quality, rivers, streams, working farms and natural areas — with no increase in taxes.

Measure F will continue funding the Sonoma County Agricultural Preservation and Open Space District, responsible for preserving over 68,000 acres of clean water sources, scenic vistas, wildlife habitat, working farms and vineyards, parks and trails since its establishment by voters in 1990. Every district purchase is subject to community and taxpayer oversight — ensuring that public funds are spent wisely and efficiently. Every landowner is a willing seller and eminent domain is prohibited.

Measure F will protect open space, clean water, family farms and our quality of life by: protecting important rivers, streams, lakes and groundwater to preserve drinking water quality in our communities for future needs; preserving beaches and coastal lands; conserving natural areas and open space, including those where children can be educated about nature and wildlife conservation; preserving working farms, ranches, orchards and vineyards; protecting fish and wildlife habitat; protecting oak woodlands, grasslands and redwood forests to improve air quality; helping create and maintain parks in and near urban areas; and protecting natural, scenic areas from growth and development.

Remember, Measure F is not a tax increase — it will simply continue an existing tax. Measure F has a strict 20-year time limit, requires citizen oversight and ensures that all expenditures are subject to independent annual audits.

We must act now to protect Sonoma County's natural areas, clean water, farms and wildlife. The longer we wait, the more expensive it will be to protect what is left. Please join us in voting yes on Measure F. For more information visit [www.FriendsOfSonomaCounty.org](http://www.FriendsOfSonomaCounty.org)

s/ Jante B. Banadell  
Chairman Clover-Stonetta Farms

s/ Bill Cogbill  
Sheriff-Coroner

s/ Mary H. Hafner  
Director, Sonoma Land Trust

s/ Patrick W. Kilkenny  
Business Leader/Retired Banker

s/ Wanda Tapia  
Chair, Latino Service Providers

### REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE F

Open Space District officials trumpet their "protection" of lands. What alert taxpayers ought to ask is what would the use of these lands be now, or in 20 or 40 years had the District not acquired them? Many people would conclude that most of the acquired lands would be used largely the same as they are today. Why should taxpayers spend limited resources to protect land already protected by overlapping regulations that limit the allowable uses? Many of these properties have no practical alternative uses from their present use, and most are under no threat of development. The use of \$200,000,000 of taxes for these purposes over the past 15 years amounts to possibly the greatest boondoggle in Sonoma County history.

Maintaining the rural character of Sonoma County and preventing run-on communities like other areas in California is a laudable goal. The good news is we already have voter based urban growth boundaries in every city except Cloverdale, and the General Plan and existing zoning laws have appropriate controls on how all lands in the County can be used.

With all the more pressing needs for local governments, let's stop wasting money protecting that which does not need further protecting.

SONOMA COUNTY TAXPAYERS' ASSOC.  
s/ Jack Atkin, President

SONOMA COUNTY TAXPAYERS' ASSOC.  
s/ Fred H. Levin, Executive Director

SONOMA COUNTY TAXPAYERS' ASSOC.  
s/ John E. Abercrombie, Treasurer

SONOMA COUNTY TAXPAYERS' ASSOC.  
s/ Timothy J. Hannan

### ARGUMENT AGAINST MEASURE F

The measure to renew the Open Space District and associated tax does not deserve voters' support. Over the past 15 years the Open Space District has largely wasted over \$200 million and achieved little measurable benefits for Sonoma County residents.

Let's be clear; there is no objection to maintaining land for agriculture, open space, green belts or for recreation. The point is that taxpayers don't have to buy the land or easements on the land to achieve these worthy goals. Cities and the County already have many tools at their disposal to accomplish these objectives. Those tools include the General Plan, zoning laws that specify how land with various zoning classifications can be used. In addition every city in Sonoma County except Cloverdale has voter passed urban growth boundaries that limit the ability of those cities to expand urban development outside those boundaries.

We ask, how does purchase of an agricultural easement make sense for a farm that is designated for agricultural use in the general plan, is zoned only for agriculture and is far outside any city's urban growth boundary? Does buying forestland that is already designated a scenic resource in the General Plan and for which there is no practical other use and no conceivable threatened development represent an efficient use of limited public resources?

Future generations deserve the right to decide for themselves, by majority rule, the best use of the lands in Sonoma County. Acquisition of land and restrictive easements has the undemocratic effect of allowing today's citizens to make land use decisions for all future generations.

To spend taxpayer resources on "protecting" land that does not need protecting is simply a waste. With all the real needs of government for funds, we do not have the luxury of wasting any funds while real needs go unmet.

SONOMA COUNTY TAXPAYERS' ASSOC.  
s/ Jack Atkin, President

SONOMA COUNTY TAXPAYERS' ASSOC.  
s/ Fred H. Levin, Executive Director

SONOMA COUNTY TAXPAYERS' ASSOC.  
s/ John E. Abercrombie, Treasurer

SONOMA COUNTY TAXPAYERS' ASSOC.  
s/ Timothy J. Hannan, Vice President

### REBUTTAL TO ARGUMENT AGAINST MEASURE F

It's unfortunate that the Taxpayers Association is misleading voters regarding Measure F and the many benefits the Sonoma County Agricultural Preservation and Open Space District has brought to Sonoma County. Please review the facts for yourself: an independent citizen panel (The Grand Jury of Sonoma County) recently reviewed the District's preservation plan for critical natural areas and found: "The plan is well founded and an excellent means of selecting potential acquisitions."

Unlike zoning, general plan updates and urban growth boundaries that can be changed by elected officials, the District's easements and acquisitions permanently protect water sources, open space and farmland from poorly planned development. The District has permanently preserved over 68,000 acres of clean water sources, scenic vistas, wildlife habitat, working farms, parks and trails since its establishment by voters in 1990 — land that otherwise might have been lost to development. More from the Grand Jury's review: "...[We are] satisfied that... the funds which are available to the District are being used in an effective manner to preserve the scenic beauty and the agricultural heritage of Sonoma County."

Remember, Measure F has a strict 20 year time limit, will permanently protect lands threatened by development and preserve water quality, rivers, streams, working farms and natural areas with no increase in taxes. Measure F includes community and taxpayer oversight and independent annual audits of all expenditures to ensure that every dollar is spent wisely. Please join us along with business, environmental, agricultural, labor and community organizations in supporting Measure F.

s/ Karen Collins, Chair  
County Parks Commission

s/ Carol Kneis  
Pelaluma Chamber President

s/ Saralee McClelland Kunde  
Farmer-Grape Grower

s/ Peter V. Levaqua, Past President  
Madrone Audubon

s/ Steve Rabinowilsh  
Santa Rosa Councilmember/SRJC Instructor

## VOTER'S PAMPHLET

### MEASURES, ANALYSES AND ARGUMENTS

(whichever is applicable to your ballot)

Arguments in support of, or in opposition to, the proposed laws are the opinions of the authors.

#### FULL TEXT OF MEASURE F

#### THE SONOMA COUNTY OPEN SPACE, CLEAN WATER AND FARMLAND PROTECTION MEASURE

ORDINANCE NO. 5677R OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA  
EXTENDING THE IMPOSITION OF A TRANSACTIONS AND USE TAX TO BE  
ADMINISTERED BY THE STATE BOARD OF EQUALIZATION

**Section 1. TITLE.** This Ordinance shall be known as the Sonoma County Open Space, Clean Water and Farmland Protection Measure. The County of Sonoma, hereinafter shall be called "County." This Ordinance shall be applicable in the incorporated and unincorporated territory of the County.

#### **Section 2. EFFECTIVE DATE; OPERATIONAL DATES; ADMINISTRATION.**

A. This Ordinance shall become effective upon its approval by a two-thirds majority of the electors voting on the measure.

B. This Ordinance shall become operative on April 1, 2011; provided, however, that the Sonoma County Agricultural Preservation & Open Space 2006 Expenditure Plan ("the 2006 Expenditure Plan"), attached hereto as Exhibit "A," shall become operative on the effective date of this Ordinance.

C. The existing contract between the Sonoma County Agricultural Preservation & Open Space District and the Sonoma County Open Space Authority shall remain in effect, subject to amendments, through March 31, 2011.

D. Prior to April 1, 2011, the District and the County shall enter into a contract for the administration of the 2006 Expenditure Plan. That contract shall become operative on the expiration of the current contract between the Authority and the District and shall provide for the administration of the 2006 Expenditure Plan by the District and the funding of the District's annual budgets by the County from funds available in the Open Space Special Tax Account.

**Section 3. PURPOSE.** This Ordinance is adopted to achieve the following, among other purposes, and directs that the provisions hereof be interpreted in order to accomplish those purposes:

A. To extend the imposition of a retail transactions and use tax in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code and Section 7285.5 of Part 1.7 of Division 2 which authorizes the County to adopt this tax Ordinance which shall be operative if 2/3 of the electors voting on the measure vote to approve the imposition of the tax at an election called for that purpose.

B. To adopt the extension of a retail transactions and use tax Ordinance that incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.6 of Division 2 of the Revenue and Taxation Code and to authorize the issuance of limited tax bonds to finance the purchases of open space lands that are consistent with this Ordinance.

C. To adopt the extension of a retail transactions and use tax Ordinance that imposes a tax and provides a measure therefor that can be administered and collected by the State Board of Equalization in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the State Board of Equalization in administering and collecting the California State Sales and Use Taxes.

D. To adopt the extension of a retail transactions and use tax Ordinance that can be administered in a manner that will be, to the greatest degree possible, consistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting the transactions and use taxes, and at the same time, minimize the burden of record keeping upon persons subject to taxation under the provisions of this Ordinance.

E. To authorize the issuance of bonds and the undertaking of lease-purchase financing obligations to finance the acquisitions specified in Exhibit "A."

#### **Section 4. EXPENDITURE PLAN; LIMITATION OF EXPENDITURES; FISCAL OVERSIGHT.** Pursuant to the requirements of Government Code §50075.1, (1)

the 2006 Expenditure Plan constitutes the statement of the specific purposes for which the revenue generated by this Ordinance may be expended, (2) the expenditure of the revenue generated by this Ordinance shall be restricted to the purposes stated in Exhibit "A," (3) the revenue generated by this Ordinance shall be deposited into the "Open Space Special Tax Account," and (4) the County Auditor shall prepare and file with the Board of Supervisors reports meeting the requirements of Government Code §50075.3. The Sonoma County Open Space Authority shall provide specified fiscal oversight as provided in an agreement between the County and the District.

**Section 5. CONTRACT WITH STATE.** Prior to the Operative Date, the County shall contract with the State Board of Equalization to perform all functions incident to the administration and operation of this transactions and use tax Ordinance; provided, that if the County shall not have contracted with the State Board of Equalization prior to the Operative Date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract.

**Section 6. TRANSACTIONS TAX RATE.** For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated and unincorporated territory of the County at the rate of one quarter of one per cent (0.25%) of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory on and after the operative date of this Ordinance.

**Section 7. PLACE OF SALE.** For the purposes of this Ordinance, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the State Board of Equalization.

**Section 8. USE TAX RATE.** An excise tax is hereby imposed on the storage, use or other consumption in the County of tangible personal property purchased from any retailer on and after the operative date of this Ordinance for storage, use or other consumption in said territory at the rate of one quarter of one percent (0.25%) of the sales price of the property. The sales price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made.

**Section 9. ADOPTION OF PROVISIONS OF STATE LAW.** Except as otherwise provided in this Ordinance and except insofar as they are inconsistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code are hereby adopted and made a part of this Ordinance as though fully set forth herein.

**Section 10. LIMITATIONS ON ADOPTION OF STATE LAW AND COLLECTION OF USE TAXES.** In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code:

A. Wherever the State of California is named or referred to as the taxing agency, the name of this County shall be substituted therefor. However, the substitution shall not be made when:

1. The word "State" is used as a part of the title of the State Controller, State Treasurer, State Board of Control, State Board of Equalization, State Treasury, or the Constitution of the State of California;

2. The result of that substitution would require action to be taken by or against this County or any agency, officer, or employee thereof rather than by or against the State Board of Equalization, in performing the functions incident to the administration or operation of this Ordinance.

CONT. NEXT PAGE

**VOTER'S PAMPHLET**  
**MEASURES, ANALYSES AND ARGUMENTS**

(whichever is applicable to your ballot)

Arguments in support of, or in opposition to, the proposed laws are the opinions of the authors.

**FULL TEXT OF MEASURE F, CONT.**

3. In those sections, including, but not necessarily limited to sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to:

a. Provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or;

b. Impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the state under the said provision of that Code.

4. In Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code.

B. The word "County" shall be substituted for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 and in the definition of that phrase in Section 6203.

Section 11. **PERMIT NOT REQUIRED.** If a seller's permit has been issued to a retailer under Section 6067 of the Revenue and Taxation Code, an additional transaction's permit shall not be required by this Ordinance.

**Section 12. EXEMPTIONS AND EXCLUSIONS.**

A. There shall be excluded from the measure of the transactions tax and the use tax the amount of any sales tax or use tax imposed by the State of California or by any city, city and county, or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law or the amount of any state-administered transactions or use tax.

B. There are exempted from the computation of the amount of transactions tax the gross receipts from:

1. Sales of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the County in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government.

2. Sales of property to be used outside the County which is shipped to a point outside the County, pursuant to the contract of sale, by delivery to such point by the retailer or his agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this paragraph, delivery to a point outside the County shall be satisfied:

a. With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, and undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code by registration to an out-of-County address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, his or her principal place of residence; and

b. With respect to commercial vehicles, by registration to a place of business out-of-County and declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.

3. The sale of tangible personal property if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the operative date of this Ordinance.

4. A lease of tangible personal property which is a continuing sale of such property, for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the operative date of this Ordinance.

5. For the purposes of subparagraphs (3) and (4) of this section, the sale or lease of tangible personal property shall be deemed not to be obligated pur-

suant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

C. There are exempted from the use tax imposed by this Ordinance, the storage, use or other consumption in this County of tangible personal property:

1. The gross receipts from the sale of which have been subject to a transactions tax under any state-administered transactions and use tax Ordinance.

2. Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government. This exemption is in addition to the exemptions provided in Sections 8366 and 8366.1 of the Revenue and Taxation Code of the State of California.

3. If the purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the operative date of this Ordinance.

4. If the possession of, or the exercise of any right or power over, the tangible personal property arises under a lease which is a continuing purchase of such property for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease prior to the operative date of this Ordinance.

5. For the purposes of subparagraphs (3) and (4) of this section, storage, use, or other consumption, or possession of, or exercise of any right or power over, tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

6. Except as provided in subparagraph (7), a retailer engaged in business in the County shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the County or participates within the County in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in the County or through any representative, agent, canvasser, solicitor, subsidiary, or person in the County under the authority of the retailer.

7. "A retailer engaged in business in the County" shall also include any retailer of any of the following: vehicles subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, or undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code. That retailer shall be required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in the County.

D. Any person subject to use tax under this Ordinance may credit against that tax any transactions tax or reimbursement for transactions tax paid to a County imposing, or retailer liable for a transactions tax pursuant to Part 1.6 of Division 2 of the Revenue and Taxation Code with respect to the sale to the person of the property the storage, use or other consumption of which is subject to the use tax.

Section 13. **AMENDMENTS.** All amendments subsequent to the effective date of this Ordinance to Part 1 of Division 2 of the Revenue and Taxation Code relating to sales and use taxes and which are not inconsistent with Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, shall automatically become a part of this Ordinance, provided however, that no such amendment shall operate so as to affect the rate of tax imposed by this Ordinance.

**CONT. NEXT PAGE**

**VOTER'S PAMPHLET**  
**MEASURES, ANALYSES AND ARGUMENTS**

(whichever is applicable to your ballot)

Arguments in support of, or in opposition to, the proposed laws are the opinions of the authors.

**FULL TEXT OF MEASURE F, CONT.**

Section 14. ENJOINING COLLECTION FORBIDDEN. No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or the County, or against any officer of the State or the County, to prevent or enjoin the collection under this Ordinance, or Part 1.6 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected.

Section 15. AUTHORIZATION TO ISSUE LIMITED TAX BONDS AND LEASE-PURCHASE FINANCING AUTHORITY. Pursuant to Government Code §§55800 et seq. the County is authorized to issue limited tax bonds payable from the tax imposed by this Ordinance. The County may, from time to time, enter into lease-purchase agreements with the County's Treasurer and the District for the purpose of assisting in the purchase of properties anticipated by Exhibit "A."

Section 16. SEVERABILITY. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the Ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

Section 17. EFFECTIVE DATE. This Ordinance relates to the levying and collecting of a County transactions and use tax and shall take effect immediately upon approval of the electorate.

Section 18. TERMINATION DATE. The authority to levy the tax imposed by this Ordinance shall expire on March 31, 2031.

PASSED AND ADOPTED by the Board of Supervisors of the County of Sonoma, State of California, on July 18, 2006, by the following vote:

**SUPERVISORS:**

Brown: \_\_\_\_\_ Kerns: \_\_\_\_\_ Smith: \_\_\_\_\_ Rellly: \_\_\_\_\_ Kelley: \_\_\_\_\_

Ayes: 5 Noes: \_\_\_\_\_ Abstain: \_\_\_\_\_ Absent: \_\_\_\_\_

**SO ORDERED.**

By: s/ Paul L. Kelley  
Chairman, Board of Supervisors  
County of Sonoma, State of California

**ATTEST:**

By: s/ Eave T. Lewis  
County Clerk and Ex-officio Clerk of the  
Board of Supervisors of said County

**FULL TEXT OF MEASURE F, CONT.**

**EXHIBIT A**

**AGRICULTURAL PRESERVATION  
AND OPEN SPACE 2006 EXPENDITURE PLAN**

The purpose of this expenditure plan is to implement the Sonoma County General Plan and the general plans of the County's incorporated cities by preserving agricultural land use and open space. This purpose will be accomplished primarily through the purchase of development rights from willing sellers in areas of the County which are designated in the County and cities' General Plan open space elements and may include the purchase of fee interests for outdoor public recreation where the public use would not be inconsistent with the open space designations listed below.

The open space designations eligible for protection under this expenditure plan include community separators, greenbelts, scenic landscape units, scenic corridors, agriculturally productive lands, biotic habitat areas, riparian corridors and other areas of biotic significance, and other open space projects.

1. Community separators and greenbelts are lands that function as open space to separate cities and other communities and protect city and community identity by providing visual relief from continuous urbanization. These lands are frequently subject to development pressures, and therefore, have been identified as priority sites for acquisition to prevent urban sprawl, to retain the rural and open character of the county and to preserve agricultural uses.

2. Scenic landscape units and scenic corridors are areas of high scenic quality including natural landscapes and backdrops that provide visual relief from urban densities and maintain the open nature of the County.

3. Agriculturally productive lands include working farms and ranches and other lands used for the production of food, fiber, and plant materials and the raising and maintaining of livestock and farm animals.

4. Biotic habitat areas, riparian corridors, and other areas of biotic significance include freshwater and tidal marshes, wetlands, special status species locations, woodlands and forests, wildlife habitat corridors and lands along creeks and streams critical to protecting fisheries and water quality. These sensitive natural areas require protection, restoration, and resource management, and include the Petaluma River, Laguna de Santa Rosa, Russian River, Sonoma Creek and San Pablo Baylands.

5. Other open space projects include, but are not limited to, urban open space and recreation projects within and near incorporated areas and other urbanized areas of Sonoma County. Funds for these projects shall be available to cities, the County and other entities through a matching grant program, with preference given to acquisition and development projects that link communities. Examples of these projects include creek restoration and enhancement, such as along the Petaluma River, Santa Rosa Creek, and Laguna de Santa Rosa, trails, athletic fields, and urban greenspace.

6. Operation and maintenance of land includes limited funding for initial public access, operation and maintenance of recreational lands purchased in accordance with this Plan. No more than 10 percent of total revenues generated over the life of the Measure shall be made available for operation and maintenance purposes.





**S O N O M A   C O U N T Y**

**AGRICULTURAL PRESERVATION  
AND OPEN SPACE DISTRICT**

## **District Initial Public Access, Operation and Maintenance Policy**

Appendix B. Board of Directors Resolution 07-0666

THE WITHIN INSTRUMENT IS A  
CORRECT COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE.

ATTEST: August 8, 2007  
ROBERT DEIS, Clerk of the Board of Directors  
of the Sonoma County Agricultural Preservation  
and Open Space District

BY [Signature]  
DEPUTY CLERK

#43

Resolution No: 07-0666

Dated: August 7, 2007

RESOLUTION OF THE BOARD OF DIRECTORS OF THE SONOMA COUNTY  
AGRICULTURAL PRESERVATION AND OPEN SPACE DISTRICT  
ESTABLISHING A POLICY FOR BUDGETING THE DISTRICT'S OPERATIONS  
AND MAINTENANCE FUNDS

BE IT RESOLVED that this Board of Directors hereby finds, determines, declares  
and orders as follows:

1. *Sales Tax Extension.* On November 7, 2006 the voters of the County of Sonoma  
approved Measure F extending the sales tax for open space, currently being levied by the  
Sonoma County Open Space Authority, from 2011 to 2031.

2. *Operations and Maintenance Funding.* Measure F also amended the Authority's  
Expenditure Plan to allow expenditures by the District for operation and maintenance of  
open space properties providing that the expenditures did not exceed ten percent of the sales  
tax revenue received from November 8, 2006 through March 31, 2031.

3. *General Manager's Recommendation.* After consulting with the County's Auditor and  
the County's Counsel, the General Manager has made certain recommendations to this  
Board on a proposed policy for annually budgeting and accounting for maintenance and  
operations appropriations expenditures. The proposed policy has been found by the  
Sonoma County Open Space Authority to be consistent with the 2006 Expenditure Plan.  
The General Manager's recommendation is contained in her letter dated July 2, 2007 and  
attached hereto as Exhibit "A."

4. *Approval.* The General Manager's recommendation as set forth in Exhibit "A" is  
approved and the General Manager is directed to periodically review the policy and  
recommend any needed changes arising from changed circumstances.

Directors:

Kerns: \_\_\_\_\_ Smith: \_\_\_\_\_ Reilly: \_\_\_\_\_ Kelley: \_\_\_\_\_ Brown: \_\_\_\_\_

Ayes: 5 Noes: \_\_\_\_\_ Absent: \_\_\_\_\_ Abstain: \_\_\_\_\_

SO ORDERED



**S O N O M A   C O U N T Y**

**AGRICULTURAL PRESERVATION  
AND OPEN SPACE DISTRICT**

## **District Initial Public Access, Operation and Maintenance Policy**

Appendix C. Board of Directors Resolution 13-0410

ATTEST: OCT 15 2013

VERONICA A. FERGUSON, Clerk/Secretary  
BY *Woodson*  
DEPUTY CLERK/ASST SECRETARY

Date: October 15, 2013

Item Number: 26  
Resolution Number: 13-0410

☐ 4/5 Vote Required

**Resolution Of The Board Of Directors Of The Sonoma County Agricultural Preservation and Open Space District, Updating the District's Initial Public Access, and Operations and Maintenance Policy**

**Whereas**, In November of 2006, the voters of Sonoma County approved Measure F (*Sonoma County Open Space, Clean Water, and Farmland Protection Measure*) extending the District's funding for an additional twenty years. Measure F included an Expenditure Plan, which governs the District's expenditure of tax revenues, and which became effective upon voter approval ("2006 Expenditure Plan"); and

**Whereas**, Paragraph 6 of the 2006 Expenditure Plan authorizes expenditures for initial public access and operation and maintenance of recreational lands as follows:

*"Operation and maintenance of land includes limited funding for initial public access, operation and maintenance of recreational lands purchased in accordance with this Plan. No more than 10 percent of total revenues generated over the life of the Measure shall be made available for operation and maintenance purposes."; and*

**Whereas**, this Board finds that the plain language of Paragraph 6 of the 2006 Expenditure Plan authorizes the following expenditures of tax revenues: (1) Payments to entities receiving fee-title transfer of recreational properties, for the purposes of funding operation and maintenance costs that support initial public access; (2) Costs related to resource management and infrastructure maintenance on District lands intended for recreational use; (3) Costs to provide interim access or permit programs, public outings and educational programs on recreational lands protected by the District but not currently open to the general public; (4) Capital improvements to provide initial public access on lands intended for recreational use; and (5) related District staff and legal costs; and

**Whereas**, in 2007, the Board adopted Resolution No. 07-0666, which approved a policy proposed by the previous General Manager for budgeting funds under Paragraph 6 for operations and maintenance, directing the General Manager to periodically review the policy and recommend any needed changes arising from changed circumstances; and

**Whereas,** the General Manager has recommended that Resolution No. 07-0666 be updated in order to clarify Board direction and to ensure that funding is available to achieve a balanced program over the life of Measure F.

**Now, Therefore, Be It Resolved** that with respect to expenditures of tax revenues under Paragraph 6 of the 2006 Expenditure Plan, the policy of the District shall be as follows:

1: Capital Improvements

Expenditures related to capital improvements, including District staff and consultant time, materials and supplies, and legal costs, to support initial public access on District protected lands intended for recreational use shall be included within the 10% cap on operations and maintenance expenditures under Paragraph 6 of the 2006 Expenditure Plan.

2: Payments to Recreational Partners

Payments to entities receiving fee-title transfer of District recreational properties, for the purposes of funding operation and maintenance costs that support initial public access, shall continue and shall be included with the 10% cap on operations and maintenance expenditures under Paragraph 6 of the Expenditure Plan. These payments may be for a period not to exceed three years from the date of fee title transfer and shall be made on a reimbursement basis according to an approved work plan. The District may grant an extension of the three-year time frame in the case of extraordinary circumstances.

3: Recreational Lands Management Costs

Expenditures related to resource management and infrastructure maintenance on District lands intended for recreational use, including District staff and consultant time, materials and supplies, and legal costs, shall be included within the 10% cap on operation and maintenance expenditures under Paragraph 6 of the 2006 Expenditure Plan.

4: Interim Access, Permit, and Outings Costs

Expenditures to provide interim access or permit programs, public outings, and educational programs on recreational lands protected by the District but not currently open to the public, including District staff and consultant time, materials and supplies, and legal costs, shall be included within the 10% cap on operations and maintenance expenditures under Paragraph 6 of the 2006 Expenditure Plan.

5: Annual appropriations for Initial Public Access and O&M Expenditures and Reserve Fund contribution:

As part of the annual budgeting process, the General Manager shall recommend (a) allocations for qualifying initial public access and operations and maintenance expenditures for specific properties or projects, and (b) an annual contribution to the District's Operation and Maintenance Reserve. Total allocations shall not, cumulatively, exceed 10 % of the special tax revenues of the District to the date of the allocation. The Board of Directors will retain the flexibility to re-allocate funds, from the District's Operation and Maintenance Reserve for other purposes eligible under Measure F as it deems appropriate.

**Be It Further Resolved** that this Resolution clarifies Resolution No. 07-0666. In the event of any inconsistencies, this Resolution shall govern.

**Directors:**

Gorin: Aye	Zane: Aye	McGuire: Aye	Carrillo: Aye	Rabbitt: Aye
Ayes: 5	Noes: 0	Absent: 0	Abstain: 0	

**So Ordered.**