



Midpeninsula Regional
Open Space District

R-24-102
Meeting 24-21
August 14, 2024

AGENDA ITEM 6

AGENDA ITEM

Resolutions taking positions on ballot measures to be presented for the November 5, 2024 general election.

GENERAL MANAGER'S RECOMMENDATION(S) *se*

1. Consider adoption of a resolution in support of Proposition 4, the "Safe Drinking Water, Wildfire Prevention, Drought Preparedness, and Clean Air Bond Act of 2024," on the November 5, 2024 general election ballot.
2. Consider adoption of a resolution in support of Proposition 5, the "Lower Supermajority Requirement to 55% for Local Bond Measures to Fund Housing and Public Infrastructure Amendment," on the November 5, 2024 general election ballot.

SUMMARY

In California, ballot initiatives can reach the general election ballot through two main pathways: the citizen initiative process and the legislative referral process. While a legislative referral may be placed on any state primary ballot or the general election ballot, citizen's initiatives may only be considered on the statewide general election ballot that are held every November in even-numbered year.

The November 5, 2024 election [contains 10 ballot measures](#). Two have been selected for consideration by the Board due to their potential to impact the ability for the District to achieve its mission and its previously expressed values. Both are legislative referrals.

DISCUSSION

Proposition 4

Placed on the November ballot with the passage of [SB 867 \(Allen, 2024\)](#), Proposition 4, also known as the "Safe Drinking Water, Wildfire Prevention, Drought Preparedness, and Clean Air Bond Act of 2024," is a \$10 billion state general obligation bond advanced by the state legislature to finance a variety of climate resilience projects. A breakdown of the funding allocations by major category can be found in Attachment 1. Attachment 2 includes several funding sources that may benefit the pursuit of District's mission.

Proposition 5:

Proposition 5 has been placed on the general election ballot by the state legislature after the passage of [ACA 1 \(Aguiar-Curry, 2023\)](#): Local government financing: affordable housing and public infrastructure: voter approval, and later updated with [ACA 10 \(Aguiar-Curry, 2024\)](#). The

measure would lower the voter-approval threshold for bond financing for affordable housing and other types of public infrastructure from 66.67% to 55%.

Eligibility

“Public infrastructure” includes any of the following:

- Facilities or infrastructure for the delivery of public services, including education, police, fire protection, *parks, recreation, open space*, emergency medical, public health, libraries, flood protection, streets or highways, public transit, railroad, airports, and seaports.
- Utility, common carrier or other similar projects, including energy-related, communication-related, water-related, and wastewater-related facilities or infrastructure.
- Projects identified by the State or local government for recovery from natural disasters.
- Equipment related to fire suppression, emergency response equipment, or interoperable communications equipment for direct and exclusive use by fire, emergency response, police, or sheriff personnel.
- Projects that provide protection of property from sea level rise.
- Projects that provide public broadband internet access service expansion in underserved areas.
- Private uses incidental to, or necessary for, the public infrastructure.
- Grants to homeowners for the purposes of structure hardening of homes and structures, as defined in state law.

Auditing Requirements

Prop 5 would also require the local jurisdiction (city, county, or special district) to conduct an annual audit to ensure that the funds are being used according to their intended purposes until all the proceeds have been expended. It would also require audits to be publicly released and submitted to the California State Auditor.

Other restrictions

- Prohibition on Use for Salaries or Operating Expenses: The revenue cannot be used for local government salaries or operating costs.
- Cap on Administrative Costs: The administrative costs associated with the bond sale are capped at 5% of the proceeds.
- Conflict of Interest Prohibition: Entities owned or led by members of the local governing board that voted to place the bond on the ballot are prohibited from bidding on any projects funded by the bond.

FISCAL IMPACT

Proposition 4:

There is no fiscal impact associated with adoption of a resolution in support of the “Safe Drinking Water, Wildfire Prevention, Drought Preparedness, and Clean Air Bond Act of 2024.”

The ballot initiative includes funding that may facilitate the completion of, or complement, numerous District Measure AA projects in addition to other priority capital projects the District may have. District staff will better understand the funding eligibility of District projects once grant guidelines for the different sections of the bond are developed.

Propositions 5:

There is no fiscal impact associated with adoption of a resolution in support of the measure.

The ballot initiative lowers the approval threshold for bond-related funding, so any fiscal benefit will only be seen when the Districts initiates such a measure.

BOARD AND COMMITTEE REVIEW

On December 13, 2023, the full Board adopted the 2023 Legislative Program ([R-23-144, minutes](#)), accepting recommendations from the Legislative, Funding, and Public Affairs Committee (LFPAC).

On November 7, 2023, LFPAC reviewed and provided input on the draft 2024 Legislative Program and took action to forward the item to the full Board of Directors for approval with their recommended changes incorporated ([R-23-130, minutes](#)).

PUBLIC NOTICE

Public notice was provided as required by the Brown Act.

CEQA COMPLIANCE

This item is not a project subject to the California Environmental Quality Act.

NEXT STEPS

If approved by the Board of Directors, a copy of the resolutions (Attachments 3 and 4) stating the District's position will be forwarded to key partners and is available on the District's website.

Attachment(s)

1. Proposition 4 climate bond funding allocations matrix
2. Proposition 4 beneficial funding sources for Midpen
3. Resolution in support of Proposition 4
4. Resolution in support of Proposition 5

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**The Safe Drinking Water, Wildfire Prevention, Drought Preparedness, and Clean Air
Bond Act of 2024**

| Chapter Totals | |
|---|---------------|
| Safe Drinking Water, Drought, Flood, and Water Resilience | 3,800 |
| Wildfire and Forest Resilience | 1,500 |
| Sea Level Rise and Coastal Resilience | 1,200 |
| Protect Biodiversity and Accelerating Nature-Based Climate Solutions | 1,200 |
| Clean Air | 850 |
| Park Creation and Outdoor Access | 700 |
| Climate Smart, Sustainable, and Resilient Farms, Ranches, and Working Lands | 300 |
| Extreme Heat Mitigation | 450 |
| Total | 10,000 |

| Line # | | |
|--|--|--------------|
| Safe Drinking Water, Drought, Flood, and Water Resilience | | |
| 1 | Safe Drinking Water | 610 |
| 2 | Tribal Water Infrastructure (minimum amount of line 1) | 25 |
| 3 | Groundwater Storage | 386.25 |
| 4 | Tribal Water Groundwater (minimum amount of line 3) | 25 |
| 5 | Land Repurposing Program (DOC) | 200 |
| 6 | Water Recycling | 386.25 |
| 7 | Water Storage | 75 |
| 8 | Water Conservation | 75 |
| 9 | Water Data Management | 15 |
| 10 | Regional Conveyance | 75 |
| 11 | Flood (see suballocations) | 550 |
| 12 | State Plan of Flood Control | 250 |
| 13 | Flood Subvention Program | 150 |
| 14 | Delta Levees | 150 |
| 15 | Dam Safety | 480 |
| 16 | Stormwater | 110 |
| 17 | Watershed Resilience (IRWM) | 100 |
| 18 | Rivers, Lakes, Streams, Wetlands (see suballocations) | 335 |
| 19 | Upper LA | 40 |
| 20 | Lower LA River | 40 |
| 21 | Riverine Stewardship | 50 |
| 22 | Santa Ana Conservancy - SCC | 25 |
| 23 | Urban Streams - DWR | 25 |
| 24 | Wildlife refuges - CNRA | 25 |
| 25 | Lower American River Conservancy - WCB | 10 |
| 26 | Coyote Valley - SCC | 25 |
| 27 | West Coyote Hills - SCC | 25 |
| 28 | Clear Lake | 20 |
| 29 | Cross-Border Rivers - SWB | 50 |
| 30 | Salton Sea Management Plan | 170 |
| 31 | Streamflow Enhancement | 150 |
| 32 | Desalination | 62.5 |
| 33 | Nature Education Facilities | 20 |
| 34 | Total | 3,800 |

| Line # | | |
|---------------------------------------|--|--------------|
| Wildfire and Forest Resilience | | |
| 35 | CAL FIRE/OES Mitigation Grants (home hardening) | 135 |
| 36 | Regional Fire Forest Capacity Program | 185 |
| 37 | Implement Regional Wildfire Prevention Strategies | 170 |
| 38 | Wildfire Conservancy | 15 |
| 39 | Vegetation Removal/Firefighting Equipment | 15 |
| 40 | CAL FIRE Long-Term Forest Health Projects | 175 |
| 41 | CAL FIRE Local Fire Prevention Grants | 185 |
| 42 | CAL FIRE Training Center | 25 |
| 43 | CNRA Forest Health/Watershed Restoration | 200 |
| 44 | Fuel Reduction/Defensible Space | 50 |
| 45 | Conservancy Funding for Wildfire Prevention | 185 |
| 46 | Biomass Innovation to Reduce GHG Emissions - CEC/DOC | 50 |
| 47 | CAL FIRE fire ignition detection technology | 25 |
| 48 | Conservation corps and local corps | 50 |
| 49 | Electric transmission for wildfire prevention | 35 |
| 50 | Total | 1,500 |

| | | |
|--|--|--------------|
| Sea Level Rise and Coastal Resilience | | |
| 51 | State Coastal Conservancy | 415 |
| 52 | SF Bay Restoration Authority/SF Bay Conservancy Programs | 85 |
| 53 | Coastal Flood/SLR (SCC) | 350 |
| 54 | SLR Adaptation/Mitigation | 75 |
| 55 | Ocean Protection Trust Fund | 135 |
| 56 | State Parks - Sea Level Rise | 50 |
| 57 | Fisheries, Islands, and Ocean Ecosystems Restoration | 75 |
| 58 | Salmon Restoration (see suballocations) | 100 |
| 59 | Hatcheries | 25 |
| 60 | Dam Removal | 75 |
| 61 | Total | 1,200 |

| | | |
|--------------------------------|--|------------|
| Extreme Heat Mitigation | | |
| 62 | OPR Extreme Heat Program | 50 |
| 63 | Transformative Climate Communities (TCC) | 150 |
| 64 | Urban Greening (CNRA) | 100 |
| 65 | Urban Forests (CAL FIRE) | 50 |
| 66 | Community Resilience Centers (SGC)/ Fairground upgrades (CDFA) | 100 |
| 67 | Total | 450 |

| Line # | | |
|---|---|--------------|
| Protect Biodiversity and Accelerating Nature-Based Climate Solutions | | |
| 68 | 30 x 30 (WCB) (see some suballocations) | 870 |
| 69 | Ballona Wetlands | 22 |
| 70 | Wildfire corridors | 180 |
| 71 | San Andreas Corridor Prog. | 80 |
| 72 | Conservancies (see suballocations) | 320 |
| 73 | Baldwin Hills | 48 |
| 74 | Coachella | 11 |
| 75 | Delta | 29 |
| 76 | Lower LA | 48 |
| 77 | San Diego | 48 |
| 78 | San Joaquin River | 11 |
| 79 | Santa Monica Mountains | 48 |
| 80 | Sierra Nevada | 48 |
| 81 | Tahoe | 29 |
| 82 | Tribal nature-based solutions (CNRA) | 10 |
| 83 | Total | 1,200 |

| Climate Smart, Sustainable, and Resilient Farms, Ranches, and Working Lands | | |
|--|--|------------|
| 84 | Healthy Soils | 65 |
| 85 | SWEEP/sustainable, climate-smart water use/efficiency | 40 |
| 86 | Invasive Species | 20 |
| 87 | Programs for socially disadvantaged farmers, ranchers, tribal producers, veterans (CDFA) | 90 |
| 88 | Year-round certified farmers markets | 20 |
| 89 | Certified mobile farmers markets | 20 |
| 90 | Tribal producer infrastructure | 15 |
| 91 | Urban agriculture | 20 |
| 92 | Tool/Equipment sharing | 15 |
| 93 | Student farms/climate ag research facilities | 15 |
| 94 | CalVans/van pool | 15 |
| 95 | Weatherization/energy upgrades/farmworkers | 10 |
| 96 | Land Access - socially disadvantaged farmers (DOC+SGC) | 30 |
| 97 | Protection and Enhancement of Ag Lands (DOC) | 15 |
| 98 | Total | 300 |

| Park Creation and Outdoor Access | | |
|---|---|------------|
| 99 | Park Creation in Park Poor Communities | 200 |
| 100 | Parks Restoration/Enhancement and Expand Access | 200 |
| 101 | Expanded Trail Access | 100 |
| 102 | Deferred Maintenance (State Parks) | 175 |
| 103 | Nature Education Facilities | 25 |
| 104 | Total | 700 |

| Clean Air | | |
|------------------|--|------------|
| 105 | Electric transmission financing | 325 |
| 106 | Battery energy storage | 50 |
| 107 | Ports infrastructure to advance offshore wind energy | 475 |
| 108 | Total | 850 |

| | | |
|-----|--------------|---------------|
| 109 | Total | 10,000 |
|-----|--------------|---------------|

Proposition 4 funding sources that may be beneficial to Midpeninsula Regional Open Space District work

Chapter 2: Safe Drinking Water, Drought, Flood, and Water Resilience

Section 91032. \$335 million allocated for projects protecting and restoring rivers, wetlands, and watersheds, emphasizing climate resilience and benefiting disadvantaged communities.

Section 91040. \$150 million allocated to the Wildlife Conservation Board for Stream Flow Enhancement and Habitat Enhancement and Restoration programs, focusing on water acquisition, transfers, and fishery projects.

Section 91045. \$20 million allocated to the Natural Resources Agency for nature and climate education and research grants, promoting biodiversity and cultural literacy.

Chapter 3: Wildfire and Forest Resilience

Section 91520: Allocates \$1,205,000,000 to the Natural Resources Agency for:

- \$185,000,000 for the Department of Conservation’s Regional Forest and Fire Capacity Program.
- \$170,000,000 for regional projects including landscape-scale efforts.
- \$175,000,000 for the Department of Forestry and Fire Protection’s Forest Health Program.
- \$185,000,000 for local fire prevention grants and workforce development.
- \$200,000,000 for forest health and watershed improvement projects.
- Allocations to conservancies for regional projects.

Chapter 4: Coastal Resilience

Section 92010: Allocates \$415,000,000 to the State Coastal Conservancy for:

- Various coastal resilience projects and programs.
- Grants for beach, bay, coastal dune, wetland, forest, watershed, trail, and public access facility restoration and resilience.
- Projects under the Climate Ready Program, natural infrastructure projects, and projects for the San Francisco Bay Area Conservancy Program.

Chapter 6: Protect Biodiversity and Accelerating Nature-Based Climate Solutions

Section 93010: Allocates \$870,000,000 to the Wildlife Conservation Board for grants enhancing fish and wildlife resources, biodiversity, and public access. Eligible programs include land acquisition, habitat restoration, climate adaptation, and conservation efforts like monarch butterfly rescue and desert and oak woodland conservation.

Section 93030: Allocates \$180,000,000 to the Wildlife Conservation Board for projects improving habitat connectivity and establishing wildlife corridors, including \$80,000,000 for the San Andreas Corridor Program along the inner Coast Ranges and San Andreas Fault.

Chapter 7: Climate Smart, Sustainable, and Resilient Farms, Ranches, and Working lands

Section 93520: Allocates \$20,000,000 to the Invasive Species Account for funding invasive species projects recommended by the Invasive Species Council of California, prioritizing projects that restore biodiversity and ecosystem health with geographic equity considerations.

Section 93530: Allocates \$15,000,000 to the Department of Conservation for projects protecting, restoring, conserving, and enhancing farmland and rangeland. This includes acquiring fee title or easements for projects improving climate resilience, soil health, carbon sequestration, erosion control, watershed health, water quality, and retention, with preference for small- and medium-sized farms.

Chapter 8: Park Creation and Outdoor Access

Section 94020: Allocates \$200,000,000 to the Natural Resources Agency for:

- Reducing climate impacts on disadvantaged communities through improvements to city, county, and regional parks, focusing on natural infrastructure resilience and water conservation.
- Funding multiple-benefit projects addressing toxic exposure risks from climate-related disasters and enhancing public access to state parks and open spaces, particularly for disadvantaged communities.

Section 94030: Allocates \$100,000,000 to the Natural Resources Agency for protecting, restoring, and enhancing natural resources within the state park system, expanding non-motorized trail networks, and improving recreational opportunities.

Section 94050: Allocates \$25,000,000 to the Natural Resources Agency for grants supporting nature and climate education, research facilities, nonprofit organizations, museums, zoos, aquariums, and geologic heritage sites. Funds can be used for buildings, equipment, and exhibits promoting climate literacy, biodiversity protection, and species recovery.

RESOLUTION 24 -__

RESOLUTION OF THE BOARD OF DIRECTORS OF THE MIDPENINSULA REGIONAL OPEN SPACE DISTRICT SUPPORTING PROPOSITION 4, THE “SAFE DRINKING WATER, WILDFIRE PREVENTION, DROUGHT PREPAREDNESS, AND CLEAN AIR BOND ACT OF 2024,” AS PUT BEFORE THE VOTERS BY THE STATE OF CALIFORNIA

WHEREAS, on July 3, 2024, the Governor of California signed into law SB 867 (Allen): Safe Drinking Water, Wildfire Prevention, Drought Preparedness, and Clean Air Bond Act of 2024, now designated as Proposition 4, placing a \$10.0 billion bond proposition on the November 5, 2024 ballot; and,

WHEREAS, climate resilience across California is sorely in need of funding as the effects of climate change are more intense than ever; and,

WHEREAS, Proposition 4 will fund important statewide water, wildfire, biodiversity, and climate protection priorities; and,

WHEREAS, Proposition 4 is consistent with the Midpeninsula Regional Open Space District mission of open space preservation, habitat restoration, and outdoor recreation and environmental education; and,

WHEREAS, Proposition 4 would provide a significant source of funding to support important open space, resource protection, and recreation projects across the state, including within the San Francisco Bay Area and the Midpeninsula Regional Open Space District jurisdiction; and,

NOW THEREFORE BE IT RESOLVED that the Board of Directors of the Midpeninsula Regional Open Space District hereby endorse the Safe Drinking Water, Wildfire Prevention, Drought Preparedness, and Clean Air Bond Act of 2024, as put to the voters by the State of California.

PASSED AND ADOPTED by the Board of Directors of the Midpeninsula Regional Open Space District on ____, 2024, at a regular meeting thereof, by the following vote:

* * * * *

AYES:

NOES:

ABSTAIN:

ABSENT:

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 a resolution 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

RESOLUTION 24 -__

RESOLUTION OF THE BOARD OF DIRECTORS OF THE MIDPENINSULA REGIONAL OPEN SPACE DISTRICT SUPPORTING PROPOSITION 5, THE “LOWER SUPERMAJORITY REQUIREMENT TO 55% FOR LOCAL BOND MEASURES TO FUND HOUSING AND PUBLIC INFRASTRUCTURE AMENDMENT,” AS PUT BEFORE THE VOTERS BY THE STATE OF CALIFORNIA

WHEREAS, Proposition 5 has been placed on the general election ballot by the state legislature after the passage of ACA 1 (Aguiar-Curry, 2023): Local government financing: affordable housing and public infrastructure: voter approval, and later updated with ACA 10 (Aguiar-Curry, 2024); and,

WHEREAS, public infrastructure across California is sorely in need of funding and has been hampered by the current 2/3 voter approval threshold for new funding; and,

WHEREAS, school districts have benefitted from a 55% voter approval threshold for bonds with the passage of Proposition 39 in 2000; and,

WHEREAS, passage of Proposition 5 would create a new constitutional vote threshold of 55% for general obligation bonds, when proposed specifically for the construction, reconstruction, rehabilitation, or replacement of public infrastructure, including open space, or affordable housing, or the acquisition or lease of real property for those purposes; and

WHEREAS, Proposition 5 also specifies requirements for voter protection, public notice, and financial accountability; and

WHEREAS, passage of Proposition 5 would be supportive with the Midpeninsula Regional Open Space District mission of open space preservation, habitat restoration, and outdoor recreation and environmental education; and,

WHEREAS, Proposition 5 would provide a significant source of funding to support important open space, resource protection, and recreation projects across the state, including within the San Francisco Bay Area and the Midpeninsula Regional Open Space District jurisdiction; and,

NOW THEREFORE BE IT RESOLVED that the Board of Directors of the Midpeninsula Regional Open Space District hereby endorse the Lower Supermajority Requirement to 55% for Local Bond Measures to Fund Housing and Public Infrastructure, as put to the voters by the State of California.

PASSED AND ADOPTED by the Board of Directors of the Midpeninsula Regional Open Space District on ____, 2024, at a regular meeting thereof, by the following vote:

* * * * *

AYES:
NOES:
ABSTAIN:
ABSENT:

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 a resolution 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