



For Immediate Release

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Anti-Tax Lawsuit Against Open Space Authority Rejected by Judge

San Jose, CA – On October 17, 2003, Judge William Elfving of the Superior Court of Santa Clara County rejected an anti-tax lawsuit brought by the Silicon Valley Taxpayers Association and the Howard Jarvis Taxpayers Association against the Santa Clara County Open Space Authority. In his “summary adjudication” the judge found in favor of the Open Space Authority on all material causes of action.

The judge affirmed a number of crucial elements of the Open Space Authority’s successful fall, 2001 funding measure, and determined that the Authority met the burden of defining “special” and “general” benefits as required by Proposition 218. “We were extremely diligent in following the letter of the law throughout the funding measure process,” said Craige Edgerton, Chair of the Authority’s Board of Directors. “It’s a big step in fully affirming the success of the Authority’s funding measure, and certainly goes a long way in upholding the property owners’ clear desire to provide additional funding for open space.”

The anti-tax lawsuit was filed after the Authority’s successful 2001 funding measure, which was approved by a majority of property owners within the Authority’s jurisdiction. The funding measure provides the Authority with an additional \$8 million annually, for the acquisition of open space, hillsides, wildlife habitat, rivers, and streams, and the preservation of agricultural lands in Santa Clara County. The additional funds are being collected by the Authority, but held pending the outcome of the lawsuit. The Authority expects that the taxpayer organizations will appeal the decision.

The Santa Clara County Open Space Authority...

The Santa Clara County Open Space Authority is governed by an elected Board of Directors consisting of seven representatives, who are elected by District. It includes within its boundaries the cities of Campbell, Milpitas, Morgan Hill, Santa Clara, and San Jose, as well as certain unincorporated areas of Santa Clara County. The Authority’s mission is:

“To preserve, protect and manage, for the use and enjoyment of all people, a well- balanced system of urban and non-urban areas of outstanding scenic, recreational and agricultural importance.”

The Authority carries out this mission by working toward these acquisition goals:

- Hillside preservation visible from the valley floor
- Valley floor preservation that includes wetlands, baylands, riparian corridors or other unique habitats.
- Agricultural preservation
- Regionally significant trail segments
- Segments of greenbelts between cities
- Urban open space

The Authority can be reached by phone at (408) 224-7476, and email may be sent to: info@openspaceauthority.org. Its website address is www.openspaceauthority.org.

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