



Santa Clara County

## Open Space Authority

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### **Court of Appeal Affirms Position of Santa Clara County Open Space Authority**

San Jose, CA July 6, 2005 – San Jose, CA – On July 6, 2005, the 6<sup>th</sup> District Court of Appeal affirmed in full the position of the Santa Clara County Open Space Authority (OSA) in a lawsuit brought by the Silicon Valley Taxpayers Association and the Howard Jarvis Taxpayers Association against the Authority's 2001 benefit assessment.

In the 2-1 decision, the appeals court found that the OSA formed the 2001 assessment district consistent with Proposition 218's requirements. They further stated that the OSA reasonably determined that the acquisition and maintenance of open space would provide a special benefit to the assessed properties and that the 2001 assessment was levied in proportion to the special benefits conferred. "We are very pleased with the decision and feel that it confirms the methods that were used to establish the benefit assessment district", said Alex Kennett, Chair of the Authority's Board of Directors.

The lawsuit was filed after the Authority's successful 2001 funding measure, which was approved by a weighted 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.

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*The Santa Clara County Open Space Authority is an independent special district created in 1993 to help preserve, protect and manage urban and non-urban open space in the areas of Campbell, Milpitas, Morgan Hill, San Jose, and Southern Santa Clara County. The Authority has preserved over 9,000 acres of land and manages over 1,000 acres of conservation easements and mitigation lands.*

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