



Santa Clara County

Open Space Authority

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PRESS RELEASE

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California Supreme Court Will Review Taxpayer Lawsuit Challenging Open Space Authority's Benefit District

San Jose, CA October 17, 2005 – Santa Clara County Open Space Authority (OSA) received notification October 12 that the California Supreme Court have granted review in the lawsuit brought by taxpayer groups contesting the Authority's 2001 benefit assessment.

“We welcome Supreme Court review and were not surprised given the visibility of the case,” said OSA General Manager Patrick Congdon. “It is an important issue, but I remain confident based on the decisions of the lower courts. The biggest impact on us now is that the extra funding generated from Benefit Assessment District II remains unavailable for important acquisition projects.”

The position of the Open Space Authority was affirmed July 6, 2005, by the 6th District Court of Appeals, which in turn had affirmed the decision of the Superior Court of Santa Clara County. In a 2-1 decision, the appeals court found that the OSA formed the Open Space Preservation District in compliance with Proposition 218's requirements and that the acquisition and maintenance of open space would provide a special benefit to assessed properties.

In 2003 Santa Clara County Superior Court Judge William Elfving also ruled in favor of the OSA and rejected the anti-tax lawsuit brought by Silicon Valley Taxpayers Association and the Howard Jarvis Taxpayers Association. In granting summary judgment in favor of the OSA, Judge Elfving found in favor of the Authority on all issues.

The benefit assessment was approved by a majority of affected property owners in the fall of 2001. The measure, which raises the yearly assessment by \$20 per single-family household, provides the OSA 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.

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The Santa Clara County Open Space Authority (OSA) 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 OSA has preserved over 11,150 acres of land and manages over 375 acres of conservation easements.
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