



ENABLING ACT (Section 35100)

SANTA CLARA VALLEY OPEN SPACE AUTHORITY
Enabling Act

SANTA CLARA VALLEY OPEN SPACE AUTHORITY
Enabling Act

Table of Contents

CHAPTER 1. General Provisions	5
§ 35100. Citation of division	5
§ 35101. Legislative findings and declarations	5
§ 35102. Agricultural activity	5
§ 35103. Authority	5
§ 35105. County	6
§ 35106. Governing board	6
CHAPTER 2. Creation of the Open Space Authority	7
§ 35120. Creation and jurisdiction	7
§ 35121. Detachment of territory annexed to city outside authority; Inclusion of city outside authority's jurisdiction	7
§ 35122. Annexation of contiguous territory	7
§ 35123. Vacancies	8
§ 35124. Compensation of interim board members	8
CHAPTER 3. Administration	9
§ 35130. Governing board; Meetings; Expenses	9
§ 35131. Adoption of rules	9
§ 35132. Quorum	9
§ 35133. Acts of authority; Motion, resolution or ordinance	9
§ 35134. Conducting meetings	9
§ 35135. Duties of governing board	10
§ 35136. Adoption of annual budget; Public inspection	10
§ 35137. Inclusion of employees in Public Employees' Retirement System	10
CHAPTER 4. Powers and Functions	11
§ 35150. Adoption of seal	11
§ 35151. Power to sue and be sued	11
§ 35152. Powers regarding property	11
§ 35153. Eminent domain	12
§ 35154. Exchange of dedicated property	12
§ 35155. Maintenance of acquired property	12
§ 35156. Development of property; Utilization fees	13

SANTA CLARA VALLEY OPEN SPACE AUTHORITY
Enabling Act

§ 35157. Claims against authority for money or damages	13
§ 35158. Acceptance of funds or donations; Government grants	13
§ 35159. Contracts for services, supplies or construction; Bidding	13
§ 35160. Design-build procedure.....	15
CHAPTER 5. Funding	16
§ 35170. Legislative intent; Supplementation of local revenues	16
§ 35171. Review and assessment of needs related to open--space lands; Plan for expenditure of revenues.....	16
§ 35172. Qualified special tax.....	17
§ 35173. Assessment levy	18
§ 35174. Indebtedness	18
§ 35175. Finance facilities and issue bonds	18
CHAPTER 6. Coyote Valley Conservation Program.....	19
§ 35180. Short title.....	19
§ 35181. Establishment and administration of the Coyote Valley Conservation Program	19
§ 35182. Legislative findings and declarations.....	19
§ 35183. Definitions	20
§ 35184. Goals of program; collaboration with other entities.....	20
§ 35185. Rights and powers of authority in carrying out purposes of conservation program.....	21
§ 35186. Notice of development projects within Coyote Valley; environmental impact	21

SANTA CLARA VALLEY OPEN SPACE AUTHORITY
Enabling Act

CHAPTER 1. General Provisions

§ 35100. Citation of division

This division shall be known and may be cited as the Santa Clara Valley Open-Space Authority Act.

(Added by Stats.1992, c. 822 (S.B.2027), § 1. Amended by Stats.2015, c. 99 (S.B.422), § 2, eff. Jan. 1, 2016.)

§ 35101. Legislative findings and declarations

The Legislature hereby finds and declares all of the following:

(a) In Santa Clara County, open-space preservation and creation of a greenbelt are immediate high priorities needed to counter the continuing and serious conversion of these lands to urban uses, to preserve the quality of life in the county, and to encourage agricultural activities.

(b) In order to deal in an expeditious manner with the current serious loss of these properties, the county needs to develop and implement a local funding program involving properties occupied for urban purposes which give rise to the need for open-space preservation that goes significantly beyond current existing funding that is not adequate to resolve these losses.

(c) It is in the public interest to create the Santa Clara Valley Open-Space Authority so that local open-space preservation and greenbelting decisions can be implemented in a timely manner to provide for the acquisition and maintenance of these properties.

(d) All persons owning developed parcels enjoy the privilege of using, and benefit from, the availability of open space.

(Added by Stats.1992, c. 822 (S.B.2027), § 1. Amended by Stats.2015, c. 99 (S.B.422), § 3, eff. Jan. 1, 2016.)

§ 35102. Agricultural activity

"Agricultural activity" has the same meaning as "agricultural activity, operation, or facility, or appurtenances thereof" as defined in subdivision (e) of [Section 3482.5 of the Civil Code](#).

(Added by Stats.1992, c. 822 (S.B.2027), § 1.)

§ 35103. Authority

"Authority" means the Santa Clara Valley Open-Space Authority created pursuant to this division in the County of Santa Clara.

(Added by Stats.1992, c. 822 (S.B.2027), § 1. Amended by Stats.2015, c. 99 (S.B.422), § 4, eff. Jan. 1, 2016.)

SANTA CLARA VALLEY OPEN SPACE AUTHORITY
Enabling Act

§ 35105. County

"County" means the County of Santa Clara.

(Added by Stats.1992, c. 822 (S.B.2027), § 1.)

§ 35106. Governing board

"Governing board" means the governing body of the authority.

(Added by Stats.1992, c. 822 (S.B.2027), § 1.)

SANTA CLARA VALLEY OPEN SPACE AUTHORITY
Enabling Act

CHAPTER 2. Creation of the Open Space Authority

§ 35120. Creation and jurisdiction

The Santa Clara Valley Open-Space Authority is hereby created on February 1, 1993. The maximum jurisdiction of the authority shall include all areas within the county, except those areas of the county presently within the boundaries, including the sphere of influence, of the Midpeninsula Regional Open-Space District. Each city situated within the maximum jurisdictional boundaries shall pass a resolution stating its intent to be included within the authority's jurisdiction by January 15, 1993. These resolutions shall be transmitted to the board of supervisors. A city that fails to pass that resolution or which formally states its intent to not participate shall be excluded from the authority's jurisdiction. The creation of the authority is not subject to review by the Santa Clara County Local Agency Formation Commission.

(Amended by Stats. 2015, Ch. 99, Sec. 5. (SB 422) Effective January 1, 2016.)

§ 35121. Detachment of territory annexed to city outside authority; Inclusion of city outside authority's jurisdiction

(a) If, after the establishment of the authority's boundaries pursuant to Section 35120, territory within the authority is annexed to a city which is outside the authority, that territory may be detached from the authority pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Division 3 (commencing with [Section 56000](#)) of [Title 5 of the Government Code](#)).

(b) If, after the establishment of the authority's boundaries pursuant to Section 35120, a city which is outside the authority's jurisdiction desires to be included within the authority's jurisdiction, the city shall adopt a resolution as provided in Section 35120. Following the adoption of the resolution, the territory within the city may be annexed to the authority pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Division 3 (commencing with [Section 56000](#)) of [Title 5 of the Government Code](#)). If the authority levies a special tax or an assessment and proposes to extend that special tax or assessment to the territory proposed to be annexed, the annexation shall not be complete until the authority complies with the procedures for levying the special tax or the assessment in that territory, including notice, hearing, and an election, in that territory, when required.

(Amended by Stats. 2003, Ch. 296, Sec. 35. Effective January 1, 2004.)

§ 35122. Annexation of contiguous territory

Notwithstanding Section 35120, after the establishment of the authority's boundaries, the boundaries of the authority may be altered by the annexation of contiguous territory, in the unincorporated area of a neighboring county, pursuant to the annexation process in the Cortese-Knox-Hertzberg Local Government Reorganizing Act of 2000 (Division 3 (commencing with [Section 56000](#)) of [Title 5 of the Government Code](#)). The board of supervisors of the neighboring county shall pass a resolution stating its intent to be included within the authority's jurisdiction before any territory in that county may be annexed to the authority

(Added by Stats. 2015, Ch. 99, Sec. 6. (SB 422) Effective January 1, 2016.)

SANTA CLARA VALLEY OPEN SPACE AUTHORITY
Enabling Act

§ 35123. Vacancies

(a) Commencing in 2008, the elections of members of the governing board shall be held during the statewide election in November of the year that the term expires.

(b) The elections and the terms of office of the members of the governing board shall be determined pursuant to the Uniform District Election Law (Part 4 ([commencing with Section 10500](#)) of Division 10 of the Elections Code).

(c) Any vacancy in the office of a member of the governing board shall be filled pursuant to [Section 1780 of the Government Code](#).

(Repealed and added by Stats. 2007, Ch. 343, Sec. 22. Effective January 1, 2008.)

§ 35124. Compensation of interim board members

Each member of the governing board may receive compensation in the amount of seventy-five (\$75) for attending each meeting of the governing board, not to exceed two meetings in any calendar month, together with any actual and necessary expenses incurred in the performance of his or her official duties required or authorized by the governing board. The determination of whether a member's activities on any specific day are compensable shall be made pursuant to Article 2.3 ([commencing with Section 53232](#)) of Chapter 2 of Part 1 of Division 2 of Title 5 of the [Government Code](#). Reimbursement for expenses is subject to Section 53232.2 and 53232.3 of the Government Code.

(Repealed and added by Stats. 2007, Ch. 343, Sec. 24. Effective January 1, 2008.)

SANTA CLARA VALLEY OPEN SPACE AUTHORITY
Enabling Act

CHAPTER 3. Administration

§ 35130. Governing board; Meetings; Expenses

At the first governing board meeting in January, the governing board shall select a chairperson, who shall preside at all meetings, and a vice chairperson, who shall preside in the absence of the chairperson. In the event of the absence of the chairperson and the vice chairperson, the members present, by an order entered into the minutes, shall select one of the members present to act as chairperson pro tempore, who while so acting, has all of the authority of the chairperson.

(Added by Stats.2007, c. 343 (S.B.144), § 26.)

§ 35131. Adoption of rules

The governing board shall adopt rules for its proceedings consistent with state law.

(Added by Stats.1992, c. 822 (S.B.2027), § 1.)

§ 35132. Quorum

A majority of the members of the governing board constitute a quorum for the transaction of business. All official acts of the authority require the affirmative vote of a majority of the members of the governing board, unless otherwise provided in this division.

(Added by Stats.1992, c. 822 (S.B.2027), § 1.)

§ 35133. Acts of authority; Motion, resolution or ordinance

The acts of the authority shall be expressed by motion, resolution, or ordinance of its governing board.

(Added by Stats.1992, c. 822 (S.B.2027), § 1.)

§ 35134. Conducting meetings

All meetings of the governing board shall be conducted pursuant to Chapter 9 (commencing with [Section 54950](#)) of Part 1 of Division 2 of Title 5 of the Government Code.

(Added by Stats.1992, c. 822 (S.B.2027), § 1.)

SANTA CLARA VALLEY OPEN SPACE AUTHORITY
Enabling Act

§ 35135. Duties of governing board

The governing board shall do all of the following:

(a) Adopt an annual budget following the public hearing required under Section 35136, hire an independent staff of its own, and fix the compensation of its officers and employees.

(b) Adopt an administrative code, by ordinance, which prescribes the powers and duties of the authority officers, the method of appointment of the authority's employees, and methods, procedures, and systems of operation and management of the authority.

(c) Cause a postaudit of the financial transactions and records of the authority to be made at least annually by a certified public accountant.

(d) Do any and all things necessary to carry out the purposes of this division.

(Added by Stats.1992, c. 822 (S.B.2027), § 1.)

§ 35136. Adoption of annual budget; Public inspection

(a) Notice of the time and place of the public hearing for the adoption of the annual budget shall be published pursuant to [Section 6061 of the Government Code](#), and shall be published not later than 30 days prior to the date of the hearing.

(b) The proposed annual budget shall be available for public inspection at least 30 days prior to the hearing.

(Added by Stats.1992, c. 822 (S.B.2027), § 1.)

§ 35137. Inclusion of employees in Public Employees' Retirement System

The authority may enter into a contract with the Board of Administration of the Public Employees' Retirement System to include the employees of the authority in that retirement system who are eligible for membership therein, and the employees shall be entitled to the same benefits as state employees pursuant to Part 5 (commencing with [Section 22750](#)) of [Division 5 of Title 2 of the Government Code](#).

(Added by Stats.1992, c. 822 (S.B.2027), § 1. Amended by Stats.2004, c. 69 (S.B.626), § 36, eff. June 24, 2004.)

SANTA CLARA VALLEY OPEN SPACE AUTHORITY
Enabling Act

CHAPTER 4. Powers and Functions

§ 35150. Adoption of seal

The authority may adopt a seal and alter it at its pleasure.

(Added by Stats.1992, c. 822 (S.B.2027), § 1.)

§ 35151. Power to sue and be sued

The authority may sue and be sued, except as otherwise provided by law, in all actions and proceedings, in all courts and tribunals of competent jurisdiction.

(Added by Stats.1992, c. 822 (S.B.2027), § 1.)

§ 35152. Powers regarding property

(a) The authority may take by grant, appropriation, purchase, gift, devise, condemnation, or lease, and may hold, use, enjoy, and lease or dispose of real and personal property of every kind, and rights in real and personal property, within or without the authority's jurisdiction, necessary to the full exercise of its powers. The authority may accept and hold open-space easements and purchase development credits wherever the authority may acquire real property.

(b) Priority for open-space acquisition should be focused on those lands closest, most accessible, and visible to the urban area. The remote ranchlands east of the westernmost ridgeline of the Diablo Range shall be acquired as permanent open space only from willing sellers through conservation easement or fee title purchases or the granting of lands or conservation easements by owners to the authority.

(c) Lands subject to the grant of an open-space easement executed and accepted by the authority in accordance with this division are enforceably restricted within the meaning of Section 8 of Article XIII of the California Constitution. An easement or other interest in real property may be dedicated for open-space purposes by the adoption of a resolution by the governing board, and any interest so dedicated may be conveyed only as provided in this section.

(d) The authority shall not validly convey an interest in any real property actually dedicated and used for open-space purposes without the consent of a majority of the voters of the authority voting at a special election called by the governing board and held for that purpose. Consent need not first be obtained for a lease of any real property for a period not exceeding 25 years if that real property remains in open-space or agricultural use for the entire duration of the lease.

(Added by Stats.1992, c. 822 (S.B.2027), § 1. Amended by Stats.2015, c. 99 (S.B.422), § 7, eff. Jan. 1, 2016; Stats.2024, c. 733 (A.B.2682), § 1, eff. Jan. 1, 2025.)

SANTA CLARA VALLEY OPEN SPACE AUTHORITY
Enabling Act

§ 35153. Eminent domain

The authority may exercise the right of eminent domain to take any property necessary or convenient to accomplish the purposes of this division, except that it shall not take lands in active ranching, lands in agricultural production, lands in timberland production zones that are not threatened by imminent conversion to developed uses, or lands without the authority's jurisdiction. Furthermore, the authority shall not acquire any interest in real property by eminent domain unless the real property is contiguous to real property that is already owned by a public agency for open-space use. For purposes of this section, "owned" includes a lease or other contractual commitment to which the public agency is a party, to maintain the property in open-space use for a term of at least 25 years. The right of eminent domain may only be exercised upon the approval of a four-fifths vote of the governing board. If the property owner objects to the acquisition of his or her property by eminent domain, the property owner may, within 30 days of the governing board's vote, file a written objection with the legislative body of the city or county in which the property is located. If the property is located in more than one city or in the county and one or more cities, the property owner shall file his or her objection with the legislative body of the city or county that includes the larger portion of the property. If the property owner files a timely written objection, the legislative body shall consider the objection at a public hearing to be held within 45 days of its receipt. If the legislative body of a city upholds by a two-thirds vote, or the legislative body of a county upholds by a majority vote, the objection by determining that the acquisition is not in the best interests of the public within the authority's jurisdiction, the authority shall not exercise its right of eminent domain on that property.

(Added by Stats.1992, c. 822 (S.B.2027), § 1. Amended by Stats.2015, c. 99 (S.B.422), § 8, eff. Jan. 1, 2016.)

§ 35154. Exchange of dedicated property

The authority may, upon a four-fifths vote of the governing board and after holding a public hearing pursuant to [Section 6061 of the Government Code](#), exchange any real property dedicated and used for open-space purposes for real property that the governing board determines to be of equal or greater value and is necessary to be acquired for open-space purposes.

(Added by Stats.1992, c. 822 (S.B.2027), § 1.)

§ 35155. Maintenance of acquired property

All property acquired by the authority shall be properly maintained in a reasonable fashion consistent with the natural conditions existing upon the properties, and those properties immediately surrounding it. This maintenance obligation does not hold the authority to a higher standard of care, but is simply a statement of a basic function of the authority.

(Added by Stats.1992, c. 822 (S.B.2027), § 1.)

SANTA CLARA VALLEY OPEN SPACE AUTHORITY
Enabling Act

§ 35156. Development of property; Utilization fees

The authority may plan, adopt, lay out, plant, develop, and otherwise improve, extend, control, operate, and maintain lands, trails, natural areas, and other facilities for public recreation or agricultural activities. The authority may impose fees for the utilization of its properties which do not exceed the cost of providing services.

(Added by Stats.1992, c. 822 (S.B.2027), § 1.)

§ 35157. Claims against authority for money or damages

All claims for money or damages against the authority are governed by Division 3.6 (commencing with [Section 810](#)) of [Title 1 of the Government Code](#), except as provided in this division or by other statutes or regulations expressly applicable to this division.

(Added by Stats.1992, c. 822 (S.B.2027), § 1.)

§ 35158. Acceptance of funds or donations; Government grants

The authority may accept funds or donations from any public or private source for the purposes of acquisition of open-space lands or for projects which are in furtherance of the authority's open-space or greenbelting objectives within its jurisdiction. The authority may seek government grants and private donations.

(Added by Stats.1992, c. 822 (S.B.2027), § 1.)

§ 35159. Contracts for services, supplies or construction; Bidding

(a) The governing board may contract with any person or public agency for any services, supplies, equipment, or materials, or for the construction, completion, maintenance, or repair of any building, structure, or improvement. The governing board may appoint a general manager to be the chief administrative officer of the authority, and the governing board may authorize the general manager to bind the authority, in accordance with governing board policy that has been adopted in an open meeting and without advertising, for contracts for any services, supplies, equipment, or materials, or for the construction, completion, maintenance, or repair of any building, structure, or improvement, not exceeding fifty thousand dollars (\$50,000). All expenditures related to contracts for any services, supplies, equipment, or materials, or for the construction, completion, maintenance, or repair of any building, structure, or improvement, approved by a general manager shall be reported to the governing board at its next regular meeting.

(b) (1) Notwithstanding any other law, a contract for any services, supplies, equipment, or materials that exceeds fifty thousand dollars (\$50,000) shall be contracted for and let to the lowest responsible bidder. A contract for any services, supplies, equipment, or materials of one hundred thousand dollars (\$100,000) or less may be let by informal bidding procedures, but a contract for any services, supplies, equipment, or materials of more than one hundred thousand dollars (\$100,000) shall be let by formal bidding procedures.

SANTA CLARA VALLEY OPEN SPACE AUTHORITY
Enabling Act

(2) A contract for the construction, completion, maintenance, or repair of any building, structure, or improvement that exceeds twenty-five thousand dollars (\$25,000) shall be contracted for and let to the lowest responsible bidder. A contract for the construction, completion, maintenance, or repair of any building, structure, or improvement of seventy-five thousand dollars (\$75,000) or less may be let by informal bidding procedures, but a contract for the construction, completion, maintenance, or repair of any building, structure, or improvement of more than seventy-five thousand dollars (\$75,000) shall be let by formal bidding procedures.

(3) If two or more bids, for a contract described in paragraph (1) or (2), are the same and the lowest, the governing board may accept the one it chooses.

(4) If the governing board delegates authority in the manner specified in subdivision (a) for a contract for the construction, completion, maintenance, or repair of any building, structure, or improvement, the decision by the chief administrative officer of the authority shall be binding on the authority, and all existing protest and grievance procedures regarding that decision remain valid.

(5) (A) Notwithstanding paragraph (1), contracts for services, including, but not limited to, planning, consulting, legal, or appraisal services, or to contracts for services authorized to be procured pursuant to Chapter 10 (commencing with Section 4525) of Division 5 of Title 1 of the Government Code, are not required to be contracted for or let to the lowest responsible bidder, if the governing board awards the contract to the most responsible and qualified bidder.

(B) For purposes of this subdivision, "most responsible and qualified bidder" means the bidder deemed by the governing board that best fits the needs of the service contract or meets the criteria prescribed in subparagraph (C).

(C) In determining the most responsible and qualified bidder, the governing board may use criteria, including, but not limited to, all of the following:

- (i) Experience of the bidder as a firm, including past performance of the firm on contracts of similar size and scope.
- (ii) Experience and qualifications of personnel employed by the bidder.
- (iii) Demonstrated understanding of the scope of the service, including schedule and plan to accomplish the service.
- (iv) Best overall financial return to the governing board on the contract.
- (v) In addition, for purposes of this paragraph, a responsible bidder who has demonstrated the attribute of trustworthiness, as well as quality, fitness, and experience to satisfactorily perform the work or provide the goods required.

(c) The notice inviting bids shall set a date for the opening of bids. The first publication or posting of the notice shall be at least 10 days before the date of opening the bids. For purposes of contracts requiring formal bidding, notice shall be published at least twice, at least five days apart, in a newspaper of general circulation in the authority, or if there is none, it shall be posted in at least three public places in the authority. The notice shall distinctly state the nature of the contract.

(d) The governing board may reject any bids. If the governing board rejects all bids, it may either readvertise or adopt a resolution, by four-fifths vote, declaring that the contract can be performed more economically by the employees of the authority or obtained at a lower price on the open market. Upon adoption of the resolution, the governing board may undertake the project without further complying with subdivisions (b) and (c).

SANTA CLARA VALLEY OPEN SPACE AUTHORITY
Enabling Act

(e) If bids are not received, the governing board may undertake the project without further complying with subdivisions (b) to (d), inclusive.

(f) (1) In the case of an emergency, the governing board may adopt a resolution by a two-thirds vote of all the members of the governing board declaring that the public interest and necessity demand immediate expenditure of public money to safeguard life, health, or property. The governing board may expend any sum required in the emergency without submitting the expenditure to bid.

(2) For purposes of this subdivision, “emergency” means a sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services. Emergency includes a fire, a flood, an earthquake, or other soil or geologic movements, as well as a riot, an accident, or sabotage.

(Added by Stats.1992, c. 822 (S.B.2027), § 1. Amended by Stats.2012, c. 259 (A.B.2388), § 1; Stats.2024, c. 733 (A.B.2682), § 2, eff. Jan. 1, 2025.)

§ 35160. Design-build procedure

(a) Notwithstanding Section 35159 or any other law, upon approval by the board of directors of the Santa Clara Valley Open-Space Authority, the design-build process described in Chapter 4 ([commencing with Section 22160](#)) of Part 3 of Division 2 of the Public Contract Code may be used to award contracts for the construction, restoration, and improvement of buildings and facilities, the construction, restoration, and improvement of public access and recreation facilities, and nature-based infrastructure projects, including, but not limited to, habitat restoration projects, enhancement and remediation projects, and watershed, stream corridor, and pond improvement projects in that authority.

(b) The minimum project limitation of one million dollars (\$1,000,000), as described in subdivision (a) of Section 22162 of the Public Contract Code, shall not apply to the Santa Clara Valley Open-Space Authority.

(c) For purposes of this section, all references in Chapter 4 (commencing with Section 22160) of Part 3 of Division 2 of the Public Contract Code to “local agency” shall mean the Santa Clara Valley Open-Space Authority and its board of directors.

(Added by Stats.2017, c. 627 (S.B.793), § 5, eff. Jan. 1, 2018. Amended by Stats.2022, c. 214 (A.B.2789), § 3, eff. Jan. 1, 2023; Stats.2023, c. 131 (A.B.1754), § 181, eff. Jan. 1, 2024.)

SANTA CLARA VALLEY OPEN SPACE AUTHORITY
Enabling Act

CHAPTER 5. Funding

§ 35170. Legislative intent; Supplementation of local revenues

The Legislature, by the enactment of this chapter, intends that the authority use any funds provided by this chapter to supplement existing local revenues being used for open-space acquisition, preservation, or maintenance purposes. The county and the cities within the jurisdiction of the authority are further encouraged to maintain their existing commitment of local funds for these purposes.

(Added by Stats.1992, c. 822 (S.B.2027), § 1.)

§ 35171. Review and assessment of needs related to open--space lands; Plan for expenditure of revenues

(a) The authority shall review and assess the needs for acquisition, preservation, or maintenance of open-space lands. As part of this review and assessment, the authority shall solicit proposals from the cities in the county within the boundaries of the authority and from a citizens' advisory committee, the membership of which shall be determined by the authority based upon criteria which provides a broad representation of interests within the authority's jurisdiction. The membership of the citizens' advisory committee shall reflect the cultural and ethnic diversity of the population within the authority's jurisdiction. The authority shall adopt a procedure for evaluating these proposals in consultation with the cities and the citizens' advisory committee in the authority's jurisdiction. The entity submitting any proposal shall consider the impact the proposal may have on the availability of affordable housing.

(b) Based on the evaluation, the authority shall prepare a plan for the expenditure of the revenues expected to be derived from funding provided for this division, together with other federal, state, local, and private improvements, and funding.

(c) In addition to acquisition, preservation, or maintenance of open-space lands, the expenditure plan shall also include projections of revenues likely to be available in the next five years for capital, maintenance, and operational purposes. The expenditure plan shall establish general areas for acquisition without identifying specific parcels, and shall be periodically reviewed and amended. Before adoption or amendment of an expenditure plan, the authority shall conduct public hearings on that plan. No expenditure for open-space lands shall occur until the initial expenditure plan is approved.

(Added by Stats.1992, c. 822 (S.B.2027), § 1.)

SANTA CLARA VALLEY OPEN SPACE AUTHORITY
Enabling Act

§ 35172. Qualified special tax

(a) Subject to Section 4 of Article XIII A of the California Constitution, the authority may impose qualified special taxes within the authority's jurisdiction pursuant to the procedures established in Article 3.5 ([commencing with Section 50075](#)) of Chapter 1 of Part 1 of Division 1 of Title 5 of the [Government Code](#) and any other applicable procedures provided by law.

(b) (1) As used in this section, "qualified special taxes" means special taxes that apply uniformly to all taxpayers or all real property within the authority's jurisdiction, except that unimproved property may be taxed at a lower rate than improved property. "Qualified special taxes" may include taxes that provide for an exemption from those taxes for any or all of the following taxpayers:

- (A) Persons who are 65 years of age or older.
- (B) Persons receiving Supplemental Security Income for a disability, regardless of age.
- (C) Persons receiving Social Security Disability Insurance benefits, regardless of age, whose yearly income does not exceed 250 percent of the 2012 federal poverty guidelines issued by the United States Department of Health and Human Services.

(2) "Qualified special taxes" does not include special taxes imposed on a particular class of property or taxpayers.

(c) Any exemption granted pursuant to subdivision (b) shall remain in effect until the taxpayer becomes ineligible. If the taxpayer becomes ineligible for the exemption for any reason, a new exemption may be granted in the same manner.

(d) (1) If the authority provides for an exemption for a qualified special tax pursuant to subdivision (b), and the authority contracts or enters into an agreement with the county to collect the qualified special tax within the authority's jurisdiction, the authority shall annually provide to the tax collector of that county all of the following information:

- (A) A hyperlink to the location on the internet website of the authority that contains exemption information, if available.
- (B) A hyperlink to the location on the internet website of the authority that contains the application for the exemption, if available.
- (C) A telephone number to provide persons with exemption information or direct persons requesting exemption information.

(2) If a county contracts or enters into an agreement with the authority to collect a qualified special tax for the authority and for which the authority provides for an exemption pursuant to subdivision (b), the tax collector of that county shall include a hyperlink, which shall be identified as "Parcel Tax Exemptions," on the tax collector's internet website home page to another location on the tax collector's internet website that posts the hyperlinks and information provided by the authority in paragraph (1).

(3) Paragraph (2) shall only apply when the authority provides the information to the tax collector required by paragraph (1). The tax collector shall not post any hyperlink to a location on the authority's internet website that is invalid.

(Added by Stats.2024, c. 733 (A.B.2682), § 4, eff. Jan. 1, 2025.)

SANTA CLARA VALLEY OPEN SPACE AUTHORITY
Enabling Act

§ 35173. Assessment levy

The authority may levy assessments pursuant to the Improvement Act of 1911, Division 7 (commencing with Section 5000), the Improvement Bond Act of 1915, Division 10 (commencing with Section 8500), and the Municipal Improvement Act of 1913, Division 12 (commencing with [Section 10000 of the Streets and Highways Code](#)).

(Added by Stats.1992, c. 822 (S.B.2027), § 1.)

§ 35174. Indebtedness

The authority may incur indebtedness to finance capital improvements pursuant to Chapter 4 (commencing with [Section 43600 of Division 4 of Title 4 of the Government Code](#)).

(Added by Stats.1992, c. 822 (S.B.2027), § 1.)

§ 35175. Finance facilities and issue bonds

The authority may finance facilities and issue bonds under this division pursuant to the Mello-Roos Community Facilities Act of 1982 (Chapter 2.5 (commencing with Section 53311) of Part 1 of Division 2 of Title 5 of the Government Code).

(Added by Stats.2024, c. 733 (A.B.2682), § 5, eff. Jan. 1, 2025.)

SANTA CLARA VALLEY OPEN SPACE AUTHORITY
Enabling Act

CHAPTER 6. Coyote Valley Conservation Program

§ 35180. Short title

This chapter shall be known, and may be cited, as the Coyote Valley Conservation Program.

(Added by Stats.2019, c. 356 (A.B.948), § 1, eff. Jan. 1, 2020.)

§ 35181. Establishment and administration of the Coyote Valley Conservation Program

The authority may establish and administer the Coyote Valley Conservation Program to address the resource and recreational goals of the Coyote Valley, as provided in this chapter.

(Added by Stats.2019, c. 356 (A.B.948), § 1, eff. Jan. 1, 2020.)

§ 35182. Legislative findings and declarations

The Legislature finds and declares all of the following:

(a) Coyote Valley is a unique landscape providing agricultural, wildlife, recreational, climate, and other natural infrastructure benefits, covering an area of about 17,200 acres in southern Santa Clara County.

(b) Coyote Valley is a resource of statewide significance. The Coyote Valley has been subject to intense development pressure and is in need of restoration, conservation, and enhancement.

(c) Coyote Valley is bounded by and includes two of the fastest growing cities in California, the City of San Jose to the north and the City of Morgan Hill to the south.

(d) Mushrooms, bell peppers, nursery crops, and other agricultural crops grown in Coyote Valley provide more than thirty million dollars (\$30,000,000) of economic benefit each year.

(e) Coyote Valley provides a critical corridor for wildlife migrating between the Santa Cruz Mountains and Diablo Range.

(f) Residents of the City of San Jose and other nearby cities access the outdoors in Coyote Valley to view wildlife, and recreate and connect with nature and the community.

(c) Coyote Valley's natural resources provide opportunities for many climate and natural infrastructure benefits, including flood attenuation from improved wetlands, increased water supply from groundwater recharge, and carbon sequestration from natural and working lands.

(d) Protection of Coyote Valley is a component of state and local efforts to preserve agriculture in the County of Santa Clara, including the Santa Clara Valley Agricultural Plan, the Santa Clara Valley Greenprint, state investments from the Sustainable Agricultural Lands Conservation Program, and a feasibility study funded by the State Coastal Conservancy.

SANTA CLARA VALLEY OPEN SPACE AUTHORITY
Enabling Act

(e) The establishment of the Coyote Valley Conservation Program pursuant to this chapter will provide a necessary structure to implement restoration and preservation projects and recreational opportunities, and enhance the overall condition of Coyote Valley.

(Added by Stats.2019, c. 356 (A.B.948), § 1, eff. Jan. 1, 2020.)

§ 35183. Definitions

For purposes of this chapter, the following definitions apply:

(a) “Coyote Valley” means all areas southeast of a line drawn northeast to southwest through a point at the intersection of Coyote Creek and Metcalf Road, northeast to the first ridgeline of the Diablo Range, southwest to the first ridgeline of the Santa Cruz Mountains, and northwest of a line drawn northeast to southwest through a point at the intersection of Cochrane Road and Monterey Road, excluding all lands within the City of Morgan Hill’s Urban Service Area as of February 29, 2012.

(b) “Natural lands” has the same meaning as the term is defined in paragraph (2) of subdivision (d) of Section 9001.5.

(c) “Program” means the Coyote Valley Conservation Program.

(d) “Program lands” means interests in real property acquired, managed, or subject to a project under this chapter.

(d) “Working lands” has the same meaning as the term is defined in paragraph (1) of subdivision (d) of Section 9001.5.

(Added by Stats.2019, c. 356 (A.B.948), § 1, eff. Jan. 1, 2020.)

§ 35184. Goals of program; collaboration with other entities

The authority may collaborate with state, regional, and local partners to help achieve all of the following goals of the program:

(a) To provide recreational opportunities, preserve open space, develop and maintain trails, restore, enhance, and preserve wildlife habitat and species, restore and preserve wetlands and agricultural lands, study, maintain, and preserve lands for groundwater recharge, watershed restoration, and natural floodwater conveyance, sequester greenhouse gases, and enhance resilience to climate change.

(b) To provide public access to, and enjoyment and enhancement of, recreational and educational experiences on, program lands in a manner consistent with the protection of land and natural resources in the area.

(Added by Stats.2019, c. 356 (A.B.948), § 1, eff. Jan. 1, 2020.)

SANTA CLARA VALLEY OPEN SPACE AUTHORITY
Enabling Act

§ 35185. Rights and powers of authority in carrying out purposes of conservation program

In carrying out the purposes of this chapter, and without limiting the express or implied powers of the authority as provided in this division, the authority shall have, and may exercise, all necessary rights and powers, expressed or implied, to achieve the goals of this chapter. The authority may do all of the following:

(a) Acquire and dispose of interests and options in real property.

(b) Undertake, maintain, or fund projects to implement site improvements, upgrade deteriorating facilities, or construct new facilities for outdoor recreation, public access, nature appreciation, and interpretation; historic and cultural preservation; protection, restoration, or enhancement of natural resources and habitat; or continuation or expansion of agricultural activities.

(c) Provide technical assistance to landowners on practices to enhance the carbon sequestration or climate resilience benefits of natural and working lands.

(d) Enhance wildlife connectivity across Highway 101, Monterey Road and other impediments to the movement of wildlife in the Coyote Valley through implementation of wildlife friendly culverts and overpasses, removal of fencing, and placement of wildlife crossing signage, or other means.

(e) Provide for the management of program lands.

(Added by Stats.2019, c. 356 (A.B.948), § 1, eff. Jan. 1, 2020.)

§ 35186. Notice of development projects within Coyote Valley; environmental impact

(a) A proponent or party to a proposed development project converting natural lands or working lands within Coyote Valley for a nonagricultural purpose shall provide notice to the authority of the proposed project. The authority may provide analysis of the environmental values and potential impacts of the proposed project.

(b) Coyote Valley shall be acknowledged as an area of statewide significance in local planning documents developed or updated on or after January 1, 2020, affecting land use within Coyote Valley.

(Added by Stats.2019, c. 356 (A.B.948), § 1, eff. Jan. 1, 2020.)