

MEASURE R

CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE R

This ballot measure would add a new section to the Santa Clara City Charter that would require any proposed sale, disposal or change in use of City owned parkland or open space to be approved by the voters. Presently, the only restriction on the sale of City owned property is that such sales are subject to a noticed bidding procedure found in Charter Section 714. This measure would add an additional requirement for City owned parkland or open space. Specifically, the City would be prohibited from selling or disposing any City owned or controlled park, open space or recreational facilities without a two-thirds (2/3) majority vote at a general municipal election. This prohibition would also apply to leases of such property over one hundred eighty (180) days in duration and to changes in use of those properties.

The measure also requires that any substantial building or construction on City owned parkland properties be approved pursuant to an ordinance subject to referendum. The specific properties covered by this measure, including the Ulistac Natural Area and the Santa Clara Youth Soccer Park, are listed in Santa Clara's General Plan and incorporated by reference in the measure.

Notably, the measure specifically exempts the property covered by the CityPlace Master Community Plan on the current Santa Clara Golf & Tennis Club that was approved by the City Council on June 28, 2016. In addition, the one hundred eighty (180) day duration requirement is intended to exempt certain short term uses conducted on City owned property, such as the Super Bowl and other special events.

If adopted, this measure would create a substantial impediment to the City's ability to sell or lease its parkland and open space in that all transactions in which the City relinquishes exclusive possession of such property for a period of one hundred eighty days (180) or more would be subject to ballot approval by a two-thirds (2/3) majority vote. Because the measure requires that such approval occur only at a general municipal election, the process of selling or leasing such property could require two years or more to complete. If the sale or lease was not approved by the voters, the proposed transaction would then, in effect, be terminated.

A "Yes" vote would serve to prohibit the City from selling or leasing its parkland and open space without voter approval. A "No" vote would serve to not create such a prohibition and leave the procedure for the sale of City land as is.

This measure was placed on the ballot by action of the Santa Clara City Council on July 19, 2016.

Richard E. Nosky, Jr.
City Attorney

COMPLETE TEXT OF MEASURE R

Section 714.1 Protection of Parkland and Public Open Space

Neither the Ulistac Natural Area, the Santa Clara Youth Soccer Park nor any other real property owned or controlled by the City that is presently listed or hereafter listed by ordinance in the inventory of parks and recreation facilities contained in Appendix Eight of the City of Santa Clara 2010-2035 General Plan shall be sold, leased or otherwise disposed of for a period of one hundred eighty (180) days or more, nor shall its use be changed, abandoned or discontinued without such sale, lease, disposal or changed use having been first authorized or ratified by a two-thirds (2/3) majority vote of the electorate, voting at a general municipal election for that purpose.

No substantial building, construction, reconstruction or development upon or with respect to any lands so dedicated shall be made except pursuant to ordinance subject to referendum.

The provisions of this Section 714.1 shall not apply to real property owned or controlled by the City that is subject to the CityPlace Master Community Plan originally adopted by the City Council by Resolution No. 8339.

ARGUMENT IN FAVOR OF MEASURE R

Vote YES on Measure R to Protect our Parkland and Open Space in Santa Clara.

This measure will protect Santa Clara's current parks and open space. It will give voters the power to stop any change that will eliminate them for a new development or fundamentally different use.

For example, the **Youth Soccer Park and the Ulistac Natural Area were in recent danger**. The 49ers wanted to take over the Youth Soccer Park. Some people suggested fundamentally changing Ulistac Natural Area. A slim majority of the City council stopped it from happening. In the future--if this measure passes--Santa Clara voters would be able to stop such actions. **This measure won't allow any special interest--or council majority--to eliminate or change a neighborhood park, city park, or major open space area or natural preserve in our city without voter approval.**

Only 6 percent of our city is parkland or open space. While we attempt to add more parkland and open space, we need to protect what we have now with this measure. We respectfully ask you to vote **YES on Measure R**. Your vote will preserve the quality of our Santa Clara neighborhoods for today's residents and future generations.

/s/ Lisa M. Gillmor
Mayor-City of Santa Clara

/s/ Teresa O'Neill
Vice Mayor-City of Santa Clara

/s/ Dominic J. Caserta
Councilmember-City of Santa Clara

/s/ Alice Kaufman
Legislative Advocate, Committee for Green Foothills

/s/ Sequoia Hall
Member, Open Space Authority

NO ARGUMENT AGAINST MEASURE R WAS SUBMITTED