

**SANTA CLARA VALLEY WATER DISTRICT
MEASURE S**

Safe, Clean Water and Natural Flood Protection Program

Shall the measure to renew the Safe, Clean Water and Natural Flood Protection Program which ensures public health and safety by:

- protecting drinking water supply, dams from earthquakes and climate change;
- reducing pollution, toxins and contaminants in waterways; and
- providing flood protection;

by renewing Santa Clara Valley Water District's existing parcel tax without increasing rates, averaging \$.006 per square foot annually as described in Resolution 20-64 until ended by voters, raising approximately \$45,500,000 annually, with qualifying senior exemption, annual audits, independent citizen oversight be adopted?

**YES
NO**

**COUNTY COUNSEL'S IMPARTIAL ANALYSIS OF
MEASURE S**

The Santa Clara Valley Water District ("District") Governing Board ("Board") has placed Measure S on the ballot to extend an existing special parcel tax assessed on each parcel of land within the District. Voters may elect to repeal the tax at any time, or within fifteen years, the Board will determine whether the tax should be maintained, reduced, or repealed. Unless repealed by a ballot measure, similar determinations will occur every fifteen years. According to the Measure, the parcel tax will initially raise approximately \$45.5 million per year.

Proceeds from the tax would be used to carry out the District's Safe, Clean Water and Natural Flood Protection Program, which has six priority areas described in the Measure: (1) ensure a safe, reliable water supply; (2) reduce toxins, hazards, and contaminants in waterways; (3) protect the water supply from earthquakes and natural disasters; (4) restore wildlife habitat and provide open space; (5) provide flood protection to homes, businesses, streets and highways; and (6) support public health and public safety for the community.

As described in the Measure, a separate tax rate per unit of area would be applied to each of five different land use categories, ranging from vacant undisturbed land (which is taxed at the lowest rate) to commercial/industrial (which is taxed at the highest rate), subject to a flat minimum tax. For example, the maximum annual tax for a single-family residential parcel of .25 acre or less in 2021 would be \$67.67 (the average single-family residence would pay \$.006 per square foot).

The rates may be adjusted annually for inflation, by up to the larger of the Consumer Price Index (CPI) or 2%. The rate could also be adjusted upward (up to CPI plus 4.5%) for up to three years immediately following a year in which a natural disaster is declared in District Flood Control Zones to pay for the costs of repairs caused by the disaster.

An independent committee would annually audit the implementation and results of the program. The District is required by law to (1) use the tax proceeds only for the specific purposes described in the Measure; (2) deposit the tax proceeds into a separate account from other District funds; and (3) provide an annual written report to the Board detailing the amount of funds collected and expended and the status of any project(s) authorized to be funded by parcel tax proceeds. In addition, the Board

**COUNTY COUNSEL'S IMPARTIAL ANALYSIS OF
MEASURE S-Continued**

would be required to conduct professional audits of the program at least every five years to provide for accountability and transparency.

The District may provide an exemption from the parcel tax for parcels owned and occupied by low-income seniors.

A "yes" vote is a vote to continue the existing special parcel tax on parcels within the specified zones of the District on an ongoing basis unless ended by the voters.

A "no" vote is a vote not to approve the tax.

James R. Williams
County Counsel

By: Mary E. Hanna-Weir
Deputy County Counsel

COMPLETE TEXT OF MEASURE S

BOARD OF DIRECTORS SANTA CLARA VALLEY WATER DISTRICT RESOLUTION NO. 20-64

PROVIDING FOR THE CONTINUATION AND LEVY OF A SPECIAL TAX TO PAY THE COST OF THE SAFE, CLEAN WATER AND NATURAL FLOOD PROTECTION PROGRAM IN THE COMBINED FLOOD CONTROL ZONE OF THE SANTA CLARA VALLEY WATER DISTRICT SUBJECT, NEVERTHELESS, TO SPECIFIED LIMITS AND CONDITIONS

WHEREAS, the Santa Clara Valley Water District (Valley Water) policy is to ensure current and future water supplies and provide healthy, clean, and reliable water in Santa Clara County; and

WHEREAS, Valley Water policy is to protect Santa Clara County creeks, reservoirs, Monterey Bay, and San Francisco Bay from toxins, pollutants, and contaminants; and

WHEREAS, Valley Water policy is to provide for flood water and storm water flood protection to residents, businesses, visitors, public highways, and the watercourses flowing within the District; and

WHEREAS, Valley Water policy is to protect our water supply, pipelines, and local dams from earthquakes and natural disasters; and

WHEREAS, Valley Water maintains a flood protection system of levees, channels, drains, detention basins, and other improvements upon which the lives and property of Valley Water residents depend, which said improvements must be kept in a safe and effective condition; and

WHEREAS, the Valley Water policy is to protect, enhance, and restore healthy Santa Clara County creeks, watersheds, and bay lands ecosystems; and

WHEREAS, in 2000, voters passed the 15-year Clean, Safe Creeks and Natural Flood Protection Plan; and

WHEREAS, the Valley Water policy is to engage in partnerships with the community to provide open spaces, trails, and parks along Santa Clara County creeks and watersheds; and

WHEREAS, in November 2012, voters passed the Safe, Clean Water and Natural Flood Protection Program which replaced the Clean, Safe Creeks and Natural Flood Protection Plan in its entirety when it became effective on July 1, 2013; and

WHEREAS, the Safe, Clean Water and Natural Flood Protection Program was originally scheduled to sunset on June 30, 2028; and

WHEREAS, in order to protect Santa Clara County water supplies, creeks, watersheds, and bay lands and ensure residents have an ample supply of clean water in the future, Valley Water will need a dedicated source of revenue in the future and beyond 2028 to maintain the programs established in the Safe, Clean Water and Natural Flood Protection Program; and

WHEREAS, the California State Legislature has authorized Valley Water to levy a special tax on each parcel of property within Valley Water or any zone or zones thereof upon approval by a two-thirds vote of the electorate of Valley Water or zones therein; and

COMPLETE TEXT OF MEASURE S-Continued

WHEREAS, the purpose of the special tax is to supplement other available but limited revenues to keep said improvements in a safe and effective condition; to enable Valley Water to respond to emergencies; to perform maintenance and repair; to acquire, restore, and preserve habitat; to provide opportunities and access to recreation; to conduct environmental education; to protect and improve water quality; and to construct, operate, and maintain flood protection and storm drainage facilities; to support public health and public safety through efforts authorized by the District Act; and to fund the cost of financing such activities; and

WHEREAS, State California Environmental Quality Act (CEQA) Guidelines Section 15378(b)(4), states that government funding mechanisms are not projects subject to the requirements of CEQA.

NOW, THEREFORE BE IT RESOLVED by the Board of Directors of the Santa Clara Valley Water District as follows:

FIRST: The Board hereby finds that since (a) the management of creeks, watersheds, and bay lands are necessary to ensure safe, clean water and to protect, enhance and restore healthy ecosystems, (b) the construction and management of flood protection services are made necessary by stormwater runoff, and (c) the lands from which runoff derives are benefitted by provision of means of disposition which alleviates or ends the damage to other lands affected thereby, by direct protection of loss of property, and other indirect means which include improved aesthetics and quality of life, the basis on which to levy the special tax is at fixed and uniform rates per area and county or city designated land use of each parcel, taxed as such parcel is shown on the latest tax rolls.

SECOND: Pursuant to the authority of Section 3 of the District Act, a Combined Zone consisting of the aggregate metes and bounds descriptions of Zones One, Two, Three, Four, and Five is presently existing as generally depicted in Attachment 1.

THIRD: A special Valley Water Election for November 3, 2020 will be called within said District, on the proposition of levy of a special tax.

FOURTH: Subject to approval by two-thirds of the electors of Valley Water voting at such election and pursuant to the authority vested in the Board, there is hereby established a special tax as authorized by this resolution, the proceeds of which shall be used solely for the purpose of supporting the priorities of the Safe, Clean Water and Natural Flood Protection Program. The priorities are summarized in Attachment 2. The Safe, Clean Water and Natural Flood Protection Program Report (hereafter "Report") generally describes the priorities. This tax shall be instituted with the following provisions:

A. The Chief Executive Officer (CEO) or designee of Valley Water is directed to cause a written Report to be prepared for each fiscal year for which a special tax is to be levied and to file and record the same, all as required by governing law. Said Report shall include the proposed special tax rates for the upcoming fiscal year at any rate up to the maximum rate approved by the voters. Valley Water's Board of Directors shall consider formal acceptance of this Report at a public meeting and shall thereafter make a final determination of special taxes with a confirming resolution. A special fund shall be established into which proceeds from the tax shall be deposited. Proceeds from the tax may be used only for the Safe, Clean Water and Natural Flood Protection Program.

COMPLETE TEXT OF MEASURE S-Continued

B. The CEO, or designee of Valley Water may cause the special tax to be corrected in the same manner as assessor's or assessee's errors may be corrected but based only upon any or all of the following:

1. Changes or corrections in ownership of a parcel;
2. Changes or corrections of address of an owner of a parcel;
3. Subdivision of an existing parcel;
4. Changes or corrections in the use of all or part of a parcel;
5. Changes or corrections in the computation of the area of a parcel;
6. As to railroad, gas, water, telephone, cable television, electric utility right of way, electric line right of way, or other utility right of way properties.

Changes and corrections are not valid unless and until approved by the Board.

C. The Clerk of the Board shall immediately file certified copies of the final determination of special taxes and confirming resolution with the Auditor-Controller of the County of Santa Clara and shall immediately record with the County Recorder of said County a certified copy of the resolution confirming the special tax.

D. The special tax for each parcel set forth in the final determination by the Board shall appear as a separate item on the tax bill and shall be levied and collected at the same time and in the same manner as the general tax levy for county purposes. Upon recording of the resolution confirming the special tax such special tax shall be a lien upon the real property affected thereby.

E. Failure to meet the time limits set forth in this resolution for whatever reason shall not invalidate any special tax levied hereunder.

F. No special tax for the Safe, Clean Water and Natural Flood Protection Program shall be imposed upon a federal or state or local governmental agency. Where real property owned by a federal, state, or local agency is leased to a private person or private entity, the private interest so created shall be separately assessed as a possessory interest and the special tax for the Safe, Clean Water and Natural Flood Protection Program shall be levied on all holders of such possessory interests. With said exceptions, a Safe, Clean Water and Natural Flood Protection Program special tax is levied on each parcel of real property in the five Flood Control Zones of Valley Water subject to this resolution for the purposes stated in the Report and in this resolution. Except for the minimum special tax as hereinafter indicated, the special tax for each parcel of real property in each such zone is computed by determining its area (in acres or fractions thereof) and land use category (as hereinafter defined) and then multiplying the area by the special tax rate applicable to land in such land use category. A minimum special tax may be levied on each parcel of real property having a land area up to 0.25 acre for Groups A, B, and C, up to 10 acres for Groups D and E Urban and, for Group E Rural, the minimum special tax shall be that as calculated for the E Urban category.

COMPLETE TEXT OF MEASURE S-Continued

G. Land use categories for each parcel of land in Valley Water are defined and established as follows:

Group A: Land used for commercial or industrial purposes.

Group B: Land used for institutional purposes such as churches and schools or multiple dwellings in excess of four units, including apartment complexes, mobile home parks, recreational vehicle parks, condominiums, and townhouses.

Group C: (1) Land used for single-family residences and multiple-family units up to four units and (2) the first 0.25 acre of a parcel of land used for single-family residential purposes.

Group D: (1) Disturbed agricultural land, including irrigated land, orchards, dairies, field crops, golf courses, and similar uses and (2) the portion of the land, if any, in excess of 0.25 acre of a parcel used for single-family residential purposes.

Group E: Vacant undisturbed land (1) in urban areas and (2) in rural areas including dry farmed land, grazing and pasture land, forest and brush land, salt ponds, and small parcels used exclusively as well sites for commercial purposes.

Group F: Parcels used exclusively as well sites for residential uses are exempt from the special tax.

H. The special tax amounts applicable to parcels in the various land uses shall be as prescribed by the Board of Directors in each fiscal year (July 1 through June 30) beginning with fiscal year 2021-2022 as set forth in Attachment 3, which is incorporated herein by reference, and as required by law; provided, that the annual basic special tax unit (single-family residential parcel of 1/4 acre or less) shall not exceed a maximum limit of \$67.67 annually (averaging \$0.006 per square foot annually), as adjusted by the compounded percentage increases of the San Francisco-Oakland-San Jose Consumer Price Index (CPI-U) for all Urban Consumers (or an equivalent index published by a government agency) in the year or years after April 30, 2021; provided, however, that appropriate amounts may be increased in any year by up to the percentage increase of the San Francisco-Oakland-San Jose Consumer Price Index for all Urban Consumers in the preceding year or two percent (2%) whichever is greater; provided further, however, that in any period, not exceeding three years, immediately following a year in which the Governor of the State of California or the President of the United States has declared an area of said zones to be a disaster area by reason of flooding or other natural disaster, then to the extent of the cost of repair of Valley Water facilities damaged by such flooding or other natural disaster, the maximum tax rate shall be the percentage increase in CPI-U plus 4.5 percent; and provided, that special taxes for the Safe, Clean Water and Natural Flood Protection Program shall be levied annually until ended by voters.

I. In the event that the county or city designated land use for a parcel is different than the actual land use, the CEO of Valley Water may, pursuant to written policies and procedures, cause the special tax to be adjusted based upon any or all of the following:

COMPLETE TEXT OF MEASURE S-Continued

1. The parcel owner shall provide Valley Water a claim letter stating that the present actual land use is different than the county or city designated land use, including an estimate of the portion of the parcel that is different than the designated land use. Such claim is subject to investigation by Valley Water as to the accuracy of the claim. Parcel owner shall furnish information deemed necessary by Valley Water to confirm the actual uses and areas in question which may include, but not be limited to, a survey by a licensed surveyor.
 2. The parcel owner shall request Valley Water to inspect the parcel and reevaluate the parcel tax.
 3. The parcel owner shall notify Valley Water after a substantial change in the actual land use occurs, including a new estimate of the portion of the parcel that is different than the designated land use.
 4. Valley Water may inspect and verify the actual land use for these parcels on a regular basis and will notify the appropriate parcel owners when it is determined that the actual land use has matched a county or city designated land use. Valley Water shall then correct the special tax rates for these parcels accordingly.
- J. Pursuant to state law, Valley Water may provide an exemption from the special tax for low income owner-occupied residential properties for taxpayer-owners who are 65 years of age or older, the following shall apply:
- Residential parcels where the total annual household income does not exceed 75 percent of the latest available figure for state median income at the time the annual tax is set, and such parcel is owned and occupied by at least one person who is aged 65 years or older is qualified to apply for an exemption from the applicable special tax.
- K. The Safe, Clean Water and Natural Flood Protection Program shall follow 15-year financial planning cycles. This will allow Valley Water to align its budget each year with the projects' key performance indicators as well as long-term financial planning efforts, such as the Capital Improvement Program. Prior to the development of each 15-year financial plan, Valley Water will conduct outreach to engage the community and key stakeholders, including the Safe, Clean Water and Natural Flood Protection Program's independent monitoring committee (IMC) and Valley Water advisory committees, to help ensure that the Safe, Clean Water and Natural Flood Protection Program's priorities remain aligned with the priorities of the residents of Santa Clara County.
- L. After a period of no longer than fifteen (15) years, the Board of Directors shall evaluate the need for the Safe, Clean Water and Natural Flood Protection Program, and make an affirmative determination of whether the special tax should be reduced or repealed, or is needed to build additional Projects to achieve related programmatic benefits in accordance with the priorities of the Safe, Clean Water and Natural Flood Protection Program. Should the Board of Directors determine that no additional Projects are needed, the Safe, Clean Water and Natural Flood Protection Program special tax will be reduced accordingly, to reflect a transition from funding new Projects to funding operation, maintenance and replacement of Projects that were constructed with Safe, Clean Water and Natural

COMPLETE TEXT OF MEASURE S-Continued

Flood Protection Program funds. This evaluation process shall include the Valley Water advisory committees and the Program's IMC, which will be charged with making recommendations to the Board of Directors on the determination of whether the special tax should be reduced, repealed, or maintained. Following the first fifteen-year determination of continued need for the special tax, the determination shall be made every fifteen (15) years thereafter.

- M. As projects under the Program are completed, the Board of Directors shall identify and prioritize new projects for inclusion in the Program. These new projects may be identified and proposed for Board approval at a public meeting through the Board's review and approval of the Program's five-year implementation plans, the first of which will be produced by the CEO or designee of Valley Water in year one of the Program and every five years thereafter; or, as directed by the Board.
- N. The Board of Directors may direct that proposed projects in the Safe, Clean Water and Natural Flood Protection Program be modified or not implemented depending upon a number of factors, including federal and state funding limitations and the analysis and results of CEQA environmental review and permitting by state and federal regulatory agencies. The Board of Directors must hold a formal, public hearing on the matter, which will be noticed by publication and notification to interested parties, before adoption of any such decision to modify or not implement a project.
- O. The Chief Financial Officer or designee of Valley Water shall file a fiscal year report with the Board of Directors no later than January 1 of each year for the prior fiscal year. The annual report shall contain both of the following: (a) the amount of funds collected and expended; and (b) the status of any project required or authorized to be funded under this resolution.
- P. An external, independent monitoring committee (IMC) shall be appointed by the Valley Water Board of Directors to conduct an annual review of Valley Water's fiscal year report and provide an annual report from the IMC to the Board of Directors regarding implementation of the intended results of the Program. The IMC shall also review each proposed five-year implementation plan prior to its submittal for Board approval. Through review of both the annual reports and five-year implementation plans, the IMC may make recommendations to the Valley Water Board of Directors regarding reasonably necessary measures to meet the priorities of the Safe, Clean Water and Natural Flood Protection Program. Every fifteen years, the IMC will review, and recommend to the Board and general public, whether the special tax should be reduced or repealed, or is needed to build additional Projects to achieve related programmatic benefits in accordance with the priorities of the Safe, Clean Water and Natural Flood Protection Program as described in Paragraph L of this resolution.
- Q. While the Safe, Clean Water and Natural Flood Protection Program is in effect, the Board of Directors shall conduct independent professional audits of the Program to provide for accountability and transparency at least every five years.
- R. Grants and partnerships offered through the Safe, Clean Water and Natural Flood Protection Program, where aligned with the District Act and permitted by law, may extend to state and local governmental organizations; organized community groups with an

COMPLETE TEXT OF MEASURE S-Continued

established structure; nonprofit organizations as defined by Internal Revenue Code subsections (c) or (d); schools, community colleges, or universities (public or nonprofit; non-profit organizations as defined under Internal Revenue Code section 501(c); religious or apostolic associations as defined under Internal Revenue Code section 501(d); for-profit organizations; and persons.

- S. Pursuant to the State California Environmental Quality Act (CEQA) Guidelines Section 15378(b)(4), adoption of this resolution for continuation of the parcel tax and as a government funding mechanism, is not a project subject to the requirements of CEQA. Prior to commencement of any project included in the Safe, Clean Water and Natural Flood Protection Program, any necessary environmental review required by CEQA shall be completed.
- T. Upon entering into effect, the Safe, Clean Water and Natural Flood Protection Program parcel tax authorized by this resolution and placed on the ballot by RESOLUTION NO. 20-63, shall repeal and replace the Safe, Clean Water and Natural Flood Protection Program parcel tax approved by the voters in 2012. On the date that the parcel tax authorized by this resolution and RESOLUTION NO. 20-63 goes into effect, the updated Safe, Clean Water and Natural Flood Protection Program (the priorities of which are summarized in Attachment 2) will replace in its entirety the previously approved Safe, Clean Water and Natural Flood Protection Program. Any tax payments already made by voters and collected for use by Valley Water for the prior Safe, Clean Water and Natural Flood Protection Program will be used to achieve priorities identified in this updated Safe, Clean Water and Natural Flood Protection Program. Funding for capital projects currently identified in the prior Safe, Clean Water and Natural Flood Protection Program, will continue under this updated Safe, Clean Water and Natural Flood Protection Program to meet previous commitments. All other projects and programs identified in the prior Safe, Clean Water and Natural Flood Protection Program will be replaced by comparable projects or programs with similar or expanded obligations under the updated Safe, Clean Water and Natural Flood Protection Program. Commitments for incomplete non-capital projects or programs carried forward from the 2012 Safe, Clean Water and Natural Flood Protection Program, shall continue at no less than the current levels (funding or key performance indicators) as identified in the comparable replacement projects or programs under the updated Safe, Clean Water and Natural Flood Protection Program, until such time as they are completed. Changes to funding levels or key performance indicators may only be made by the Board as set forth under Paragraphs K and L or through Board decisions via a Board-approved Change Control Process.

PASSED AND ADOPTED by the Board of Directors of the Santa Clara Valley Water District by the following vote on July 21, 2020:

AYES:	Directors	Santos, Estremera, Keegan, Kremen, LeZotte, Varela, Hsueh
NOES:	Directors	None.
ABSENT:	Directors	None.
ABSTAIN:	Directors	None.

COMPLETE TEXT OF MEASURE S-Continued

SANTA CLARA VALLEY WATER DISTRICT

Nai Hsueh
Chair, Board of Directors

ATTEST:

Michele L. King
CMC, Clerk, Board of Directors

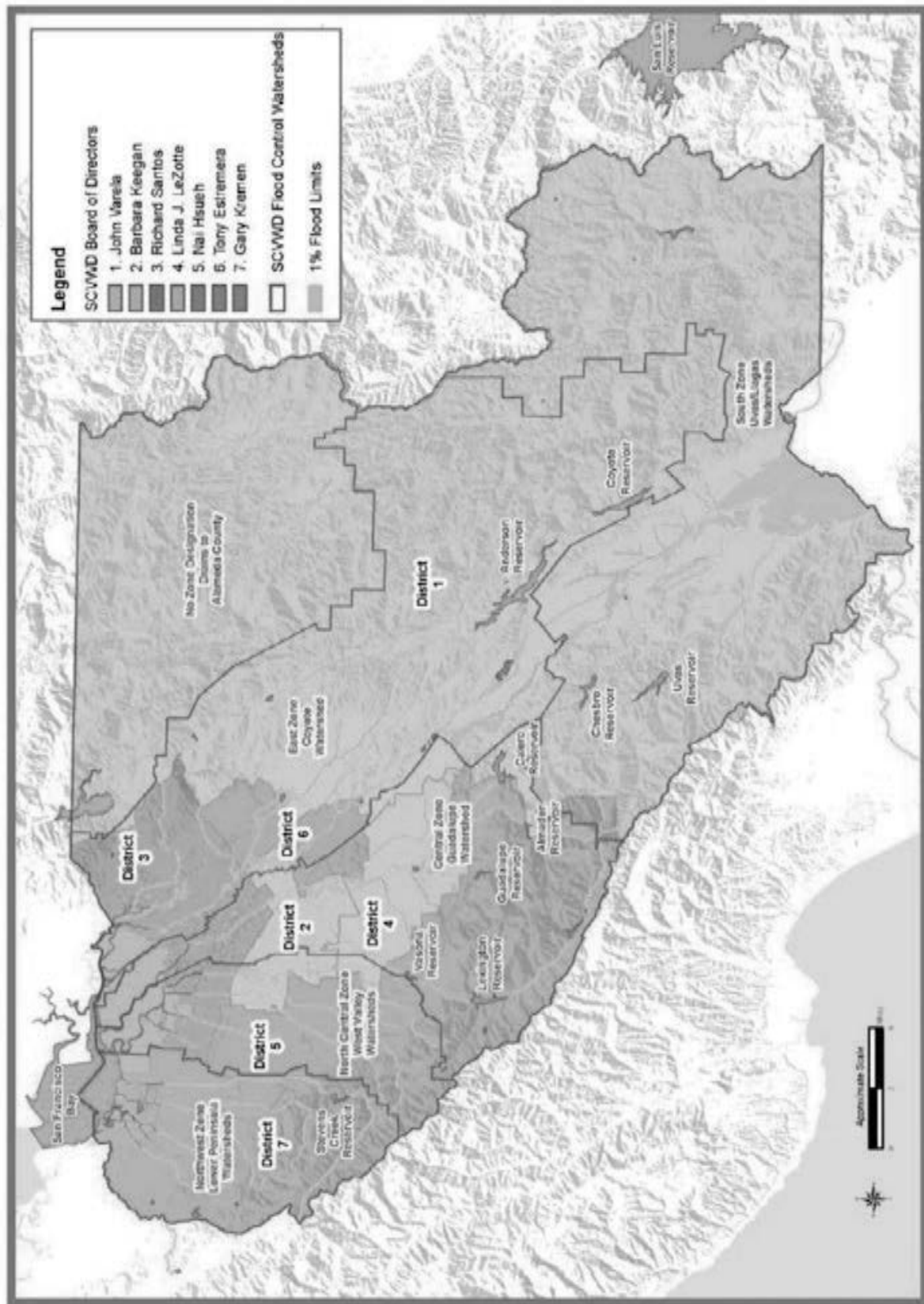
**ATTACHMENT 1
COVERSHEET**

**SCVWD FLOOD CONTROL ZONES AND
BOARD DISTRICTS IN SANTA CLARA COUNTY**

No. of Pages: 1

Additional Items: None.

SCVWD Flood Control Zones and Board Districts in Santa Clara County



GIS themes are for illustration and general analysis purposes only and are not accurate to surveying or engineering standards. Information is not guaranteed to be accurate, current, or complete and use of this information is your responsibility.

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COMPLETE TEXT OF MEASURE S-Continued**ATTACHMENT 2
COVERSHEET****SUMMARY OF KEY PERFORMANCE INDICATORS
FOR THE FIRST 15 YEARS OF PROGRAM**

No. of Pages: 4

Additional Items: None.

Summary of Key Performance Indicators for the First 15 Years of Program

Project	Key Performance Indicator
Priority A: Ensure a Safe, Reliable Water Supply	
A1 Pacheco Reservoir Expansion	1. Provide a portion of funds, up to \$10 million, to help construct the Pacheco Reservoir Expansion Project.
A2 Water Conservation Rebates and Programs	1. Award up to \$1 million per year toward specified water conservation program activities, including rebates, technical assistance and public education within the first seven (7) years of the Program.
A3 Pipeline Reliability	1. Install four (4) new line valves on treated water distribution pipelines.

Project	Key Performance Indicator
Priority B: Reduce Toxins, Hazards, and Contaminants in Our Waterways	
B1 Impaired Water Bodies Improvement	<ol style="list-style-type: none"> Investigate, develop and implement actions to reduce methylmercury in fish and other organisms in the Guadalupe River Watershed. Prepare and update a plan for the prioritization of surface water quality improvement activities, such as addressing trash and other pollutants. Implement at least two (2) priority surface water quality improvement activities identified in the plan per 5-year implementation period.
B2 Inter-Agency Urban Runoff Program	<ol style="list-style-type: none"> Address trash in creeks by maintaining trash capture devices or other litter control programs. Maintain Valley Water's municipal stormwater compliance program and partner with cities to address surface water quality improvements, including participation in at least three (3) countywide, regional or statewide stormwater program committees to help guide regulatory development, compliance, and monitoring.

COMPLETE TEXT OF MEASURE S-Continued

	3. Support at least one (1) stormwater quality improvement activity per 5-year implementation period in Santa Clara County, including providing up to \$1.5 million over 15 years to support implementation of green stormwater infrastructure consistent with Santa Clara Basin and South County Stormwater Resource Plans.
B3 Hazardous Materials Management and Response	1. Respond to 100% of hazardous materials reports requiring urgent on-site inspection in two (2) hours or less.
B4 Support Volunteer Cleanup Efforts	1. Fund Valley Water's creek stewardship program to support volunteer cleanup activities such as annual National River Cleanup Day, California Coastal Cleanup Day, the Great American Litter Pick Up; and the Adopt-A-Creek Program.

Project	Key Performance Indicator
Priority C: Protect Our Water Supply and Dams from Earthquakes and Other Natural Disasters	
C1 Anderson Dam Seismic Retrofit	1. Provide portion of funds, up to \$54.1 million, to help restore full operating reservoir capacity of 90,373 acre-feet.

Project	Key Performance Indicator
Priority D: Restore Wildlife Habitat and Provide Open Space	
D1 Management of Riparian Planting and Invasive Plant Removal	<ol style="list-style-type: none"> Maintain a minimum of 300 acres of riparian planting projects annually to meet regulatory requirements and conditions. Maintain a minimum of 200 acres of invasive plant management projects annually to meet regulatory requirements and conditions. Remove 25 acres of Arundo donax throughout the county over a 15-year period.
D2 Revitalize Riparian, Upland and Wetland Habitat	<ol style="list-style-type: none"> Revitalize at least 21 acres over a 15-year period through native plant revegetation and/or removal of invasive exotic species. Develop an Early Detection and Rapid Response Program Manual. Identify and treat at least 100 occurrences of emergent invasive species over a 15-year period, as identified through the Early Detection and Rapid Response Program. Develop at least eight (8) information sheets for Early Detection of Invasive Plant Species.

COMPLETE TEXT OF MEASURE S-Continued		COMPLETE TEXT OF MEASURE S-Continued																	
D3 Sediment Reuse to Support Shoreline Restoration	<ol style="list-style-type: none">1. Maintain partnership agreements to reuse sediment to improve the success of salt pond and tidal marsh restoration projects and activities.2. Provide up to \$4 million per 15-year period to support activities necessary for sediment reuse.	D7 Partnerships for the Conservation of Habitat Lands	<ol style="list-style-type: none">1. Provide up to \$8 million per 15-year period for the acquisition or enhancement of property for the conservation of habitat lands.																
D4 Fish Habitat and Passage Improvement	<ol style="list-style-type: none">1. Complete planning and design for one (1) creek/lake separation.2. Construct one (1) creek/lake separation project in partnership with local agencies.3. Use \$8 million for fish passage improvements by June 30, 2028.4. Update study of all major steelhead streams in the county to identify priority locations for fish migration barrier removal and installation of large woody debris and gravel as appropriate.5. Complete five (5) habitat enhancement projects based on studies that identify high priority locations for large wood, boulders, gravel, and/or other habitat enhancement features.	<table><tr><th>Project</th><th>Key Performance Indicator</th></tr><tr><td colspan="2">Priority E: Provide Flood Protection to Homes, Businesses, Schools, Streets, and Highways</td></tr><tr><td>E1 Coyote Creek Flood Protection, Montague Expressway to Tully Road–San Jose</td><td><ol style="list-style-type: none">1. Construct flood protection improvements along Coyote Creek between Montague Expressway and Tully Road to provide protection from floods up to the level that occurred on February 21, 2017, approximately a 5% (20-year) flood event.</td></tr><tr><td>E2 Sunnyvale East and Sunnyvale West Channels Flood Protection, San Francisco Bay to Inverness Way and Almanor Avenue–Sunnyvale</td><td><ol style="list-style-type: none">1. Provide 1% (100-year) flood protection for 1,618 properties and 47 acres (11 parcels) of industrial land, while improving stream water quality and working with other agencies to incorporate recreational opportunities.</td></tr><tr><td>E3 Lower Berryessa Flood Protection, including Tularcitos and Upper Calera Creeks (Phase 3)–Milpitas</td><td><ol style="list-style-type: none">1. With local funding only: Complete the design phase of the 1% (100-year) flood protection project to protect an estimated 1,420 parcels.</td></tr><tr><td>E4 Upper Penitencia Creek Flood Protection, Coyote Creek to Dorel Drive–San Jose</td><td><ol style="list-style-type: none">1. Preferred project with federal and local funding: Construct a flood protection project to provide 1% (100-year) flood protection to 8,000 parcels.2. With local funding only: Construct a 1% (100-year) flood protection project from Coyote Creek confluence to Capital Avenue to provide 1% (100-year) flood protection to 1,250 parcels, including the new Berryessa BART station.</td></tr><tr><td>E5 San Francisquito Creek Flood Protection, San Francisco Bay to Upstream of Highway 101–Palo Alto</td><td><ol style="list-style-type: none">1. Preferred project with federal, state and local funding: Protect more than 3,000 parcels by providing 1% (100-year) flood protection.2. With state and local funding only: Protect approximately 3,000 parcels by providing 1% (100-year) flood protection downstream of Highway 101, and approximately 1.4% (70-year) protection upstream of Highway 101.</td></tr><tr><td>E6 Upper Llagas Creek Flood Protection, Buena Vista Avenue to Llagas Road–Morgan Hill, San Martin, Gilroy</td><td><ol style="list-style-type: none">1. Preferred project with federal and local funding: Plan, design and construct flood protection improvements along 13.9 miles of Upper Llagas Creek from Buena Vista Avenue to Llagas Road to provide flood protection to 1,100</td></tr></table>		Project	Key Performance Indicator	Priority E: Provide Flood Protection to Homes, Businesses, Schools, Streets, and Highways		E1 Coyote Creek Flood Protection, Montague Expressway to Tully Road–San Jose	<ol style="list-style-type: none">1. Construct flood protection improvements along Coyote Creek between Montague Expressway and Tully Road to provide protection from floods up to the level that occurred on February 21, 2017, approximately a 5% (20-year) flood event.	E2 Sunnyvale East and Sunnyvale West Channels Flood Protection, San Francisco Bay to Inverness Way and Almanor Avenue–Sunnyvale	<ol style="list-style-type: none">1. Provide 1% (100-year) flood protection for 1,618 properties and 47 acres (11 parcels) of industrial land, while improving stream water quality and working with other agencies to incorporate recreational opportunities.	E3 Lower Berryessa Flood Protection, including Tularcitos and Upper Calera Creeks (Phase 3)–Milpitas	<ol style="list-style-type: none">1. With local funding only: Complete the design phase of the 1% (100-year) flood protection project to protect an estimated 1,420 parcels.	E4 Upper Penitencia Creek Flood Protection, Coyote Creek to Dorel Drive–San Jose	<ol style="list-style-type: none">1. Preferred project with federal and local funding: Construct a flood protection project to provide 1% (100-year) flood protection to 8,000 parcels.2. With local funding only: Construct a 1% (100-year) flood protection project from Coyote Creek confluence to Capital Avenue to provide 1% (100-year) flood protection to 1,250 parcels, including the new Berryessa BART station.	E5 San Francisquito Creek Flood Protection, San Francisco Bay to Upstream of Highway 101–Palo Alto	<ol style="list-style-type: none">1. Preferred project with federal, state and local funding: Protect more than 3,000 parcels by providing 1% (100-year) flood protection.2. With state and local funding only: Protect approximately 3,000 parcels by providing 1% (100-year) flood protection downstream of Highway 101, and approximately 1.4% (70-year) protection upstream of Highway 101.	E6 Upper Llagas Creek Flood Protection, Buena Vista Avenue to Llagas Road–Morgan Hill, San Martin, Gilroy	<ol style="list-style-type: none">1. Preferred project with federal and local funding: Plan, design and construct flood protection improvements along 13.9 miles of Upper Llagas Creek from Buena Vista Avenue to Llagas Road to provide flood protection to 1,100
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E6 Upper Llagas Creek Flood Protection, Buena Vista Avenue to Llagas Road–Morgan Hill, San Martin, Gilroy	<ol style="list-style-type: none">1. Preferred project with federal and local funding: Plan, design and construct flood protection improvements along 13.9 miles of Upper Llagas Creek from Buena Vista Avenue to Llagas Road to provide flood protection to 1,100																		
D5 Ecological Data Collection and Analysis	<ol style="list-style-type: none">1. Reassess and track stream ecological conditions and habitats in each of the county's five (5) watersheds every 15 years.2. Provide up to \$500,000 per 15-year period toward the development and updates of five (5) watershed plans that include identifying priority habitat enhancement opportunities in Santa Clara County.																		
D6 Restoration of Natural Creek Functions	<ol style="list-style-type: none">1. Construct the Hale Creek Enhancement Pilot Project, which includes restoration and stabilization of a 650-foot section of concrete-lined channel on Hale Creek, between Marilyn Drive and North Sunshine Drive on the border of Mountain View and Los Altos.2. Construct the Bolsa Road Fish Passage Project along 1,700 linear feet of Uvas-Carnadero Creek in unincorporated Santa Clara County, which includes geomorphic design features that will restore stability and stream function.3. Identify, plan, design, and construct a third geomorphic-designed project to restore stability and stream function by preventing incision and promoting sediment balance throughout the watershed.																		

COMPLETE TEXT OF MEASURE S-Continued	
	<p>homes, 500 businesses, and 1,300 agricultural acres, while improving stream habitat.</p> <p>2. With local funding only: Construct flood protection improvements along Llagas Creek from Buena Vista Avenue to Highway 101 in San Martin (Reaches 4 and 5 (portion)), Monterey Road to Watsonville Road in Morgan Hill (Reach 7a), approximately W. Dunne Avenue to W. Main Avenue (portion of Reach 8), and onsite compensatory mitigation at Lake Silveira.</p>
E7 San Francisco Bay Shoreline Protection–Milpitas, Mountain View, Palo Alto, San Jose, Santa Clara, and Sunnyvale	<p>1. Provide portion of the local share of funding for planning, design and construction phases for the Santa Clara County shoreline area, EIAs 1-4.</p> <p>2. Provide portion of the local share of funding for planning and design phases for the Santa Clara County shoreline area, EIAs 5-9.</p>
E8 Upper Guadalupe Flood Protection, Highway 280 to Blossom Hill Road–San Jose	<p>1. Preferred project with federal and local funding: Construct a flood protection project to provide 1% (100-year) flood protection to 6,280 homes, 320 businesses and 10 schools and institutions.</p> <p>2. With local funding only: Construct flood protection improvements along 4,100 feet of Guadalupe River between the Southern Pacific Railroad (SPRR) crossing, downstream of Willow Street, to the Union Pacific Railroad (UPRR) crossing, downstream of Padres Drive, and provide gravel augmentation along approximately 800 linear feet of the Upper Guadalupe River in San Jose, from approximately the Union Pacific Railroad Bridge to West Virginia Street Bridge to improve aquatic habitat for migrating steelhead and channel stability.</p>
Project	Key Performance Indicator
Priority F: Support Public Health and Public Safety for Our Community	
F1 Vegetation Control and Sediment Removal for Capacity	<p>1. Maintain completed flood protection projects for flow conveyance.</p>
F2 Emergency Response Planning and Preparedness	<p>1. Coordinate with local municipalities to merge Valley Water-endorsed flood emergency processes with their own emergency response plans and processes.</p>

COMPLETE TEXT OF MEASURE S-Continued	
	<p>2. Complete five (5) flood management plans/procedures per 5-year period, selected by risk priorities.</p> <p>3. Train Valley Water staff and partner municipalities annually on disaster procedures via drills and exercises before testing the plans and procedures.</p> <p>4. Test flood management plans/procedures annually to ensure effectiveness.</p>
F3 Flood Risk Assessment Studies	<p>1. Complete engineering studies on three (3) creek reaches to address 1% (100-year) flood risk.</p> <p>2. Annually, update floodplain maps on a minimum of three (3) creek reaches in accordance with new FEMA standards.</p>
F4 Vegetation Management for Access and Fire Safety	<p>1. Provide vegetation management for access and fire risk reduction on an average of 495 acres per year, totaling 7,425 acres along levee, property lines and maintenance roads over a 15-year period.</p>
F5 Good Neighbor Program: Encampment Cleanup	<p>1. Perform 300 annual cleanups to reduce the amount of trash and pollutants entering the streams.</p> <p>2. Provide up to \$500,000 per year in cost-share with other agencies for services related to encampment cleanups, including services supporting staff safety, discouraging re-encampments along waterways or addressing the homelessness crisis with the goal of reducing the need for encampment cleanups.</p>
F6 Good Neighbor Program: Graffiti and Litter Removal and Public Art	<p>1. Cleanup identified trash and graffiti hotspots at approximately 80 sites four (4) times per year.</p> <p>2. Respond to requests on litter or graffiti cleanup within five (5) working days.</p> <p>3. Provide up to \$1.5 million over 15 years to implement public art projects on Valley Water property and infrastructure.</p>
F7 Emergency Response Upgrades	<p>1. Maintain existing capabilities for flood forecasting and warning.</p> <p>2. Improve flood forecast accuracy and emergency response time working with the National Weather Service and through research and development.</p>
F8 Sustainable Creek Infrastructure for Continued Public Safety	<p>1. Provide up to \$7.5 million in the first 15-year period to plan, design and construct projects identified through</p>

COMPLETE TEXT OF MEASURE S-Continued

	Watersheds asset management plans.
F9 Grants and Partnerships for Safe, Clean Water, Flood Protection and Environmental Stewardship	1. Provide a grant and partnership cycle each year for projects related to safe, clean drinking water, flood protection and environmental stewardship.
	2. Provide annual funding for bottle filling stations to increase drinking water accessibility, with priority for installations in economically disadvantaged communities and locations that serve school-age children and students.
	3. Provide annual mini-grant funding opportunity for projects related to safe, clean drinking water, flood protection and environmental stewardship.
	4. Provide up to \$3 million per 15-year period for partnerships with small municipalities (defined as under 50,000 people in the most recent census available), or special districts with boundaries substantially within the footprint of small cities, for projects aligned with the District Act and related to safe, clean drinking water, flood protection and environmental stewardship.

ATTACHMENT 3 COVERSHEET

FIGURE 1 ACTUAL FY 2019–20 AND ACTUAL FY 2020–21 SAFE, CLEAN WATER AND NATURAL FLOOD PROTECTION SPECIAL TAX RATES

No. of Pages: 1

Additional Items: None.

FIGURE 1 Actual FY 2019–20 and Actual FY 2020–21 Safe, Clean Water and Natural Flood Protection Special Tax Rates

Land Use Categories	Actual FY '19-20	Actual FY '20-21
A - Commercial, Industrial		
Rate (\$/Acre)	\$541.60	\$541.60
Minimum Assessment ⁽¹⁾	\$135.39	\$135.39
B - Apartment, Schools, Churches, Condominiums & Townhouse		
Rate (\$/Acre)	\$406.20	\$406.20
Minimum Assessment ⁽¹⁾	\$101.55	\$101.55

COMPLETE TEXT OF MEASURE S-Continued

Condominiums & Townhouses (\$/unit)	\$32.95	\$32.95
C - Single Family Residential, Small Multiples (2-4 units) ⁽²⁾		
Minimum Assessment ⁽¹⁾	\$67.67 (Averaging \$0.006 per square foot)	\$67.67 (Averaging \$0.006 per square foot)
D - Utilized Agriculture⁽²⁾		
Rate (\$/Acre)	\$3.47	\$3.47
Minimum Assessment ⁽¹⁾	\$34.70	\$34.70
E - Urban-Nonutilized Agricultural, Grazing Land, Salt Ponds, Well Site in Urban Areas		
Rate (\$/Acre)	\$1.02	\$1.02
Minimum Assessment ⁽¹⁾	\$10.23	\$10.23
E - Rural-Nonutilized Agricultural, Grazing Land, Well Sites in Rural Areas		
Rate (\$/Acre)	\$0.14	\$0.14
Minimum Assessment ⁽¹⁾	\$10.23	\$10.23

⁽¹⁾ The minimum assessments shown for Categories A, B, and C apply to parcels 1/4 acre or less in size. Category C parcels larger than 1/4 acre pay the minimum assessment for the first 1/4 acre and the remaining acreage is assessed at the Category D rate. For Category D, the minimum assessment applies to parcels less than 10 acres. The minimum assessment for Group E parcels is the amount charged for 10 acres of urban undeveloped land; the minimum assessment is the same for both the Urban Category and the Rural Category parcels, however the Rural Category applies to parcels of 80 acres or less.

⁽²⁾ Residential land in excess of 1/4 acre is assessed at the "D" rate.

ARGUMENT IN FAVOR OF MEASURE S

Vote YES on Measure S to protect our local supply of safe, clean water in Santa Clara County.

An adequate supply of safe, reliable water is crucial to sustain our economy and quality of life. Measure S upgrades outdated, seismically unsafe pipelines and dams that deliver water countywide.

Measure S funds needed improvements to protect our local water infrastructure and supply from the impact of climate change, drought, earthquakes, flooding and other natural disasters.

Measure S projects also reduce toxins, hazards, and contaminants in our rivers, lakes, and streams.

And Measure S doesn't increase taxes: it simply renews existing local funding we've relied on for 20 years. 74% of voters approved the last renewal in 2012.

Measure S continues work that's already being done countywide, like creek restoration, shoreline protection, environmental cleanup and habitat restoration. These projects have been essential to protecting our communities from extended drought, increased pollution and climate change.

We simply can't afford to lose this important funding and put our local water supply at risk.

Vote YES on S for Safe Clean Water and Natural Flood Protection

- Protect our local drinking water supply;
- Upgrade aging pipelines, dams to protect against earthquakes and climate change;
- Reduce pollution, toxins and contaminants in waterways;
- Provide natural flood protection

Every penny from Measure S will be spent locally to protect our water drinking supply for future generations of Santa Clara County residents.

Measure S requires independent citizen oversight and audits to ensure funds are spent as promised. Measure S also provides an exemption to local seniors.

All Measure S funds will be controlled locally, will go to our local water protection projects and cannot be taken away by the State.

Join local residents, environmental groups, labor, business leaders, and elected officials in protecting our water supply for future generations.

ARGUMENT IN FAVOR OF MEASURE S-Continued

Vote YES on S!

David Lewis
Executive Director, Save The Bay

Maria Noel Fernandez
Deputy Director, Working Partnerships

Evan Low
CA State Assemblymember

Paul M. Mirassou
President, Santa Clara County Farm Bureau

Nai Hsueh
Water Engineer and Board Chair, Santa Clara Valley Water District

REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE S

Please vote NO on Measure S. Voters deserve clarity, transparency and accountability. Voters deserve to know what's missing from the description of Measure S:

- No mention that over \$300 million in bonds will be issued with repayments including interest and banking fees totaling about \$650 million.
- No mention that tax payers will give about \$350 million to investors and bankers instead of paying for the six priorities of Safe, Clean Water and Natural Flood Protection.
- No mention that this renewal does not expire in 15 years as have both previous measures. Instead this parcel tax continues without an end date.
- No mention that gathering more than 61,000 signatures will be necessary to bring repeal of this tax back to the voters.
- No mention that with "independent citizen oversight," the citizens are selected by the Valley Water Board itself. Furthermore, the Board does not have to do what the citizens recommend.
- No mention that there already is secure funding until 2028 for the projects and programs in the current parcel tax. Thus, there is no need to rush to enact a new tax now.
- No mention that providing accountability to voters via an end date is important. Periodically, voters should be asked whether they are getting their money's worth from new Safe, Clean Water and Natural Flood Protection projects.

Vote NO on Measure S. Ensure that Valley Water responds with a better measure that we can all support in the next general election cycle.

Vote NO on S now.

Trish Mulvey
Vote No on Measure S Committee

ARGUMENT AGAINST MEASURE S

Vote NO on Measure S. Measure S eliminates accountability and responsiveness to voters. Voters approved the existing parcel tax in 2012 for a 15 year term ending in 2028. Measure S proposes to renew that tax but without a definitive end date. Vote NO. Valley Water should seek regular voter approval on a specific term such as 15 years. Voters should expect transparency and accountability to ensure future benefits to all of us who depend on the Santa Clara Valley Water District for safe clean water and natural flood protection.

Valley Water's proposed borrowing and spending plans show why we need regular, continued review and approval by voters. For the first fifteen years of the proposed measure all six community preferred priorities have dedicated funding allocations, but in years 16-30 no funding is designated for three of the priorities: No funding designated to "Safe, Reliable Water Supply." No funding to "Protect our Water Supply from Earthquakes and Natural Disasters." No funding to "Provide Flood Protection to Homes, Businesses, Schools, Streets and Highways." Instead there's a small pool of unallocated funds plus large new debt payments for \$310 million in bonds.

Fiscal responsibility requires careful consideration of borrowing impacts on future programs. Valley Water didn't meet with the Safe, Clean Water Program Independent Monitoring Committee to review certain aspects of the measure such as why an additional \$310 million in bonds is suddenly needed, in addition to the \$800 million of our taxes. Vote NO and insist on fiscal responsibility and accountability to voters.

The Santa Clara Valley Water district has 8 years left on the current parcel tax, plenty of time to resubmit the measure to voters WITH an end date. All of the current projects have funding under the existing tax. Vote NO.

David H. Warner
Vote No on Measure S Committee

REBUTTAL TO ARGUMENT AGAINST MEASURE S

For over 20 years, Measure S funds have protected local drinking water sources, upgraded aging water infrastructure, improved creeks, streams and wildlife habitat, and protected our neighborhoods from pollutants, toxins, flooding and the growing effects of climate change.

Our lone opponent disagrees with some program policies. He's entitled to his opinion, but minor policy disagreements are no reason to cut millions of dollars in local safe, clean water funding.

It's simply not true that the program isn't accountable or responsive, as evidenced by independent published audits.

The Independent Monitoring Committee provides annual citizen oversight of all spending and progress. Public reports are available at www.valleywater.org. Every penny from Measure S will be spent locally to protect our water supply for future generations. No funds can be taken by the State.

Over 21,000 local residents and community partners have provided input to the program and agree providing safe, clean drinking water and natural flood protection deserves sustainable long-term funding that put our communities at risk. The elected Board of Directors of the Santa Clara Valley Water District transparently evaluates scientific consensus and public input to consider policy updates.

74% of voters last renewed this funding. If future funding becomes uncertain, vital projects will be subject to costly financing penalties, or worse—won't get funded at all. Measure S renews these funds—without raising taxes.

Measure S has support from residents, environmentalists, business, Labor, faith, community and elected leaders, including Save the Bay, League of Conservation Voters, Silicon Valley Leadership Group, Santa Clara County Farm Bureau and so many more.

Join Us and Congresswoman Zoe Lofgren: Support Measure S for Safe, Clean Water!

Zoe Lofgren
Congresswoman

Shiloh Ballard
President, League of Conservation Voters

Jethroe Moore, II
Reverend, President, NAACP San José/Silicon Valley Branch

Yoriko Kishimoto
Director, Midpeninsula Regional Open Space District

Ahmad Thomas
CEO, Silicon Valley Leadership Group