



STAFF REPORT

Meeting Date: June 9, 2004

Agenda Item 9

**LAFCO CASE
NO. & NAME**

LAFCO 04-10 Ventura County Regional Open Space District
Formation

PROPOSAL:

To approve the formation of a Countywide regional open space district pursuant to California Public Resources Code 5500 et seq., and subject to voter approval of the District and its related funding by at least two-thirds of the voters at the general election to be held on November 2, 2004. The Proposal includes all of the limitations, terms, conditions and requirements contained in the Ventura County Board of Supervisors Regional Open Space Formation Resolution dated May 25, 2004.

SIZE:

The boundaries of the proposed District are to be coterminous with the boundaries of the County of Ventura. The total area of Ventura County is approximately 1,282,779 acres or approximately 2,004 square miles.

LOCATION:

The District will contain all of the territory within Ventura County, including all the cities and the islands of Anacapa and Santa Barbara.

PROPONENT:

The Ventura County Board of Supervisors, by Resolution

NOTICE:

The District Formation has been noticed as a PUBLIC HEARING as required by law.

RECOMMENDATIONS:

- A. Certify that the Commission has reviewed and considered the information contained in the CEQA Notice of Exemption prepared by the County of Ventura as lead agency, dated May 25, 2004, and determine that the Ventura County Regional Open Space District formation proposal is exempt under Sections 15313, 15316, 15317

COMMISSIONERS AND STAFF

COUNTY:

Kathy Long
Linda Parks
Alternate:
Steve Bennett

CITY:

Evaristo Barajas, Chair
Don Waunch
Alternate:
John Zaragoza

SPECIAL DISTRICT:

Jack Curtis, Vice Chair
Dick Richardson
Alternate:
Ted Grandsen

PUBLIC:

Louis Cunningham
Alternate:
Kenneth M. Hess

EXECUTIVE OFFICER:

Everett Millais

LAFCO ANALYST:

Hollee Brunsky

OFFICE MANAGER/CLERK:

Debbie Schubert

LEGAL COUNSEL:

Noel Klebaum

and 15325 (Classes 13, 16, 17 and 25), and Section 15378(b)(4) of the CEQA Guidelines.

- B. Adopt the attached resolution (LAFCO 04-10) making determinations and approving the Ventura County Regional Open Space District formation, subject to the terms and conditions contained in the Resolution.

BACKGROUND:

A. Introduction:

The proposal is for the formation of a special district pursuant to California Public Resources Code Section 5500, et seq. These sections of the Public Resources Code govern, "... any regional park district, regional park and open-space district, or regional open-space district." The formation of the District has been initiated by Resolution of the Board of Supervisors (Exhibit A to Attachment 1 – the recommended LAFCO 04-10 Resolution) based specifically on the provisions of Public Resources Code Section 5506.12. This Board of Supervisors Resolution contains a number of findings, determinations and terms and conditions, including:

1. The District being named the Ventura County Regional Open Space District.
2. The boundaries of the District being coterminous with the boundaries of the County of Ventura.
3. The District being governed by a five person Board of Directors, appointed for four year fixed terms of office by the Board of Supervisors. Two of the appointed District Board members are to be appointed at-large by the Board of Supervisors. The other three District Board members are to be appointed by the Board of Supervisors based on nominations from the City Selection Committee, and each of these three members is to represent one of three geographic areas in the County (north, east and west).
4. The District being financed primarily by a voter-approved one-quarter cent sales tax for a period not to exceed ten years.
5. The formation of the District being contingent on at least two-thirds voter approval of the combined District formation and one-quarter cent sales tax funding measure at the November 2, 2004 general election.

B. History:

In November 1998, Ventura County voters approved Advisory Measure A which, among other things, recommended that a Countywide Open Space District be formed to permanently preserve open space and farmland. In February 2002, the Board of Supervisors established a 41-member advisory committee to make recommendations regarding the formation, funding and governance of an Open

Space District (OSD). In December 2003, the Board of Supervisors approved the Committee's final report and directed County staff to begin work on a number of tasks aimed toward placing a measure on the November 2004 ballot to form and fund a Countywide Open Space District.

On April 27, 2004 the Board directed County staff to place an OSD formation measure on the November 2004 ballot and to prepare a draft OSD formation resolution for the Board's review and comment. The Board also directed County staff to work with LAFCO staff with regard to preparation of the OSD formation resolution. On May 4, 2004, the Board directed staff to begin work toward placing a one-quarter cent sales tax measure (10 year duration), for funding agricultural preservation and open space and parkland acquisition, on the November 2004 ballot.

County staff filed an application with LAFCO on May 12, 2004 for the LAFCO actions necessary for the formation of a new special district. After considering draft resolutions on May 11 and May 18, the Board of Supervisors adopted a final Ventura County Regional Open Space District Formation Resolution on May 25, 2004.

In addition to formally initiating the formation of the Ventura County Regional Open Space District, the Board of Supervisors May 25 Resolution also requests LAFCO to waive its \$7,000 application fee for LAFCO proceedings relating to the formation of new special districts. This is a separate action item, but is noted as the County of Ventura has paid the \$900 LAFCO fee for fee waiver requests and, therefore a certificate of filing for the application was issued by the LAFCO Executive Officer on June 1, 2004. Prior to the certificate of filing being issued a notice of public hearing concerning this proposal was published for a June 9, 2004 LAFCO hearing

C. Purpose and Authorities

The reason stated in the Board of Supervisors' Resolution for forming the Ventura County Regional Open Space District is to further State policy on the preservation of open space expressed in Government Code Section 65562 and to implement the Resource and Land Use Sections of the Ventura County General Plan.

The Board of Supervisors' Resolution was based on the advice and recommendations of the Open Space District Advisory Committee (OSDAC). The Executive Summary of the OSDAC report to the Board of Supervisors stated:

“The primary function of the OSD is to preserve, enhance and/or restore agricultural and natural resources of Ventura County for the enjoyment and benefit of present and future residents. The OSD's acquisitions could include agricultural and open space lands and parkland and land conservation options would involve both fee purchase and the purchase of

conservation easements. The OSD will not have the power of eminent domain – acquisition transactions would involve only willing sellers.”

To fulfill their purpose Public Resources Code Section 5540 states that open space districts, “...may take by grant, appropriation, purchase, gift, devise, ... 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 ...”. Public Resources Code Section 5506.12(5) specifically states that the Ventura County Regional Open Space District, “... shall not have, and may not exercise, the power of eminent domain ...”.

In addition to statutory authorities and limitations relating to the acquisition of property, on June 8, 2004, the Board of Supervisors is scheduled to take final action on the Ventura County Regional Open Space District Transactions and Use Tax Ordinance (the one-quarter cent sales tax) subject to two thirds voter approval on November 2, 2004. The first reading of this Ordinance occurred on May 25, 2004, and a draft is attached as Attachment 2. This Ordinance is the companion funding measure for the formation of the Ventura County Regional Open Space District. The Ordinance establishes an Expenditure Plan for the District. This Expenditure Plan:

- Defines the purpose for use of the tax revenues raised.
- Provides land category definitions for the acquisition of the fee purchase of land and/or the purchase of conservation easements.
- Establishes acquisition eligibility standards and selection criteria
- Establishes funding requirements, including that no more than 3% of the annual sales tax revenues received by the District can be used for annual administrative costs.

This Ordinance, via the Expenditure Plan, substantially limits the broader authorities allowed under the principal act, at least in terms of the District’s primary source of anticipated revenue.

The Public Resources Code Section 5500, et seq, as the principal act for regional open space districts, also provides for such districts to, among other authorities:

- Plan, develop, improve, operate and maintain a variety of public parks, natural areas. (PRC §5541)
- Make contracts and employ labor. (PRC §5543)
- Borrow money, incur indebtedness, and issue bonds. (PRC §5544)
- Levy and collect taxes (PRC §5545), but only as may be approved by the voters.
- Form certain types of assessment districts (PRC §5539.5), but only as may be approved by a vote of the affected property owners.
- Sue and be sued (PRC §5539)

Regional Open Space Districts are public, local government agencies. Such districts are subject to all of the laws and regulations for any public, local government agency, including public meeting laws and the laws and regulations of the Fair Political Practices Commission. Administratively, the district general manager must, among other prescribed duties, prepare and submit an annual budget to the District Board for adoption. The District controller is required to maintain a system of auditing and accounting.

Because of its governance structure, the Ventura County Regional Open Space District, once created, will be an independent special district as defined by Government Code Section 56044. As such, District Board members will be eligible to be selected by the independent special districts selection committee to serve on LAFCO and the District will be required to pay its proportionate share of LAFCO expenses based on the gross revenues of the District as reported annually to the State Controller.

ANALYSIS:

A. General

The formation of a new special district is a change of organization. Pursuant to Government Code Section 56375, LAFCO has the general power and duty, "To review and approve or disapprove with or without amendment, wholly, partially, or conditionally, proposals for changes of organization ...". The Government Code also provides, however, that proceedings for the formation of a district shall be conducted as authorized in the principal act of the district proposed to be formed. In this case the principal act for a regional open space district is Public Resources Code Section 5500, et seq.

The Board of Supervisors has followed the provisions of the Public Resources Code in initiating the formation of the Ventura County Regional Open Space District. As noted, the Board of Supervisors' May 25, 2004 Resolution provided for numerous substantive and procedural actions to occur, including the calling of an election for November 2, 2004 for the voters in the County to act on the formation of the District.

It is recommended that LAFCO approve and accept the Board of Supervisors May 25, 2004 Ventura County Regional Open Space District Formation Resolution in its entirety, without amendment. By so doing, LAFCO will not need to hold conducting authority protest proceedings concerning the formation of the proposed District; the matter will go directly to the voters for a decision.

Assuming the Commission approves the recommended actions, the Public Resources Code requires that the Commission approve an impartial analysis of the

proposed district formation (PRC §5517.1). This is a separate action item for the Commission. Due to timing limitations in the law consideration of an impartial analysis of the proposed district formation is also scheduled for June 9, 2004.

In addition to accepting the Board of Supervisors' Resolution, there are other procedural and substantive factors and determinations that the Commission must and/or should consider as a part of its consideration of this proposal. Each is discussed in the following sections of this report.

B. Government Code Sec. 56301 Determination

Government Code Section 56301, part of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, states:

“Among the purposes of a commission are discouraging urban sprawl, preserving open-space and prime agricultural lands, efficiently providing government services, and encouraging the orderly formation and development of local agencies based upon local conditions and circumstances. One of the objects of the commission is to make studies and to obtain and furnish information which will contribute to the logical and reasonable development of local agencies in each county and to shape the development of local agencies so as to advantageously provide for the present and future needs of each county and its communities. When the formation of a new government entity is proposed, a commission shall make a determination as to whether existing agencies can feasibly provide the needed service or services in a more efficient and accountable manner. If a new single-purpose agency is deemed necessary, the commission shall consider reorganization with other single-purpose agencies that provide related services.” (underlining added for emphasis)

The proposed Ventura County Regional Open Space District will be a new single-purpose agency. The substantial background information on record indicates, however, that the District is proposed to be formed because there is no other agency, ether multi-purpose like the County of Ventura, or single-purpose, that can perform the functions of a regional open space district. Authorization for these types of districts has been primarily through special, single-purpose legislation. There is no other single-purpose, public agency in Ventura County that can perform the same or similar functions as the proposed Ventura County Regional Open Space District. It is recommended that the Commission determine that no existing agency can feasibly provide the needed services in a more efficient and accountable manner than the proposed Ventura County Regional Open Space District.

C. Government Code Section 56668 Factors

Government Code Section 56668 requires the Commission to consider at least fourteen different factors as a part of the consideration of a change of organization proposal. The Commission is used to having the consideration of these factors presented in a different format. Because of the uniqueness of this proposal, however, a brief discussion of each of the mandatory factors follows:

1. The proposal will have no effect on population, population density, or land area. While the proposed District will have no land use authority, it could affect land use. The purchase of open space and agricultural and park lands for public purposes will preclude those lands from being used for other purposes, or considered for being used for other purposes. The District, as proposed, will have no effect on per capita assessed valuation and no effect on topography. The preservation of open space, agricultural and park lands could assist in the protection of natural boundaries and drainage basins. The District could acquire and/or cause open space, agricultural and park areas in proximity to populated areas. There is a likelihood of significant growth in Ventura County, and in adjacent incorporated and unincorporated areas, during the next 10 years. Preserving and protecting open space, agricultural and park lands within the County will help to ameliorate the impacts of this growth and assist in maintaining a viable agricultural economy in the County.
2. The proposal will not affect the need for organized community services or the present cost and adequacy of governmental services and controls in the County. To the extent that various agencies desire to maintain open space, agricultural and park lands within their jurisdictional boundaries, the proposed District could assist in the probable future needs for those services and will provide broad based controls. The formation of the District may have a positive effect on the cost and adequacy of services and controls by existing local agencies by providing funding, in whole or in part, for the protection of open space, agricultural and park lands.
3. The proposal will not affect the structure of local government in the County. The formation of the District on a Countywide basis is consistent with Countywide mutual social and economic interests.
4. The formation of the District and its anticipated effects are consistent with the basic LAFCO policies of providing planned, orderly, efficient patterns of urban development and policies relating to preserving and protecting open space and agricultural lands.
5. The formation of the District and its anticipated effects will have a positive and beneficial result on maintaining the physical and economic integrity of agricultural lands.
6. The boundaries of the proposed District are coterminous with the boundaries of the County of Ventura, and are definite and certain. There are no conflicts with lines of assessment or ownership. Maps and legal descriptions sufficient for recordation and filing with the State Board of Equalization have not yet

been prepared or filed, however. A condition is recommended as a part of the recommended LAFCO resolution to address this fact.

7. The proposed District will have no land use authority. By assisting in the protection and preservation of open space, agricultural and park lands, however, the District may assist the County and cities in implementing various provisions and aspects of local general and specific plans. There is nothing in the proposal that is inconsistent with the County or any individual city general and specific plans.
8. The proposed District will not affect the sphere of influence of any local agency. Once the District is formed, and after conducting a municipal service review, the Commission will be responsible for establishing a sphere of influence for the Ventura County Regional Open Space District.
9. The Commission has not received any comments from any affected local agency, except the application and related application materials filed by the County. An affected local agency in this case is any city or special district in the County, or the County. Should any comments from any affected local agency be provided prior to the close of the public hearing on this matter, the Commission must consider them.
10. The ability of the District to provide the services for which it is being formed will be based primarily upon the proceeds of the sales taxes generated in the County. The District will not be formed unless two-thirds of the voters at the November 2, 2004 general election approve of both the District and a one-quarter cent sales tax to provide revenues for the District for a period of 10 years. Assuming voter approval, the amount of sales tax revenue projected to be generated is sufficient for the District to carry out its purposes for at least 10 years. The District is also expected to seek grants, gifts and other sources of revenue for carrying out its purposes. The District will not, however, receive other taxes unless approved by the voters.

After 10 years, if the voters do not extend the District's sales tax revenue, or approve some other source of public funding, the District may not be able to continue to provide its services. This will be a matter for future consideration, however, and should not be a consideration about the formation of the District. A guaranteed revenue base for 10 years is sufficient for the formation of a new special district of the type proposed. In the future both the County of Ventura and LAFCO will have the ability to review the District's operations and initiate action to dissolve the District if necessary.

11. The District will not affect the timely availability of water supplies.
12. The District will not affect the County's or any city's ability to achieve their respective fair share of regional housing needs. The District will assist in the protection and preservation of open space and agricultural and park lands consistent with the County general plan and the general plans of individual

- cities. Lands designated for agricultural, open space and park uses by local general plans cannot be considered for regional housing needs.
13. The Commission has not received any information or comments from any landowner or other owners as of the preparation of this staff report. Should any such information or comments be provided prior to the close of the public hearing on this matter, the Commission must consider them.
 14. Other than what has already been noted, there is no information relating to existing land use designations that affects the proposal.

D. Environmental Impact of the Proposal

The County of Ventura is lead agency for this proposal and LAFCO is a responsible agency under the California Environmental Quality Act (CEQA). The County Board of Supervisors on May 25, 2004, determined that the formation of the Ventura County Regional Open Space District is exempt under Sections 15313, 15316, 15317 and 15325 (Classes 13, 16, 17 and 25), and Section 15378(b)(4) of the CEQA Guidelines. It is recommended that the Commission find that a categorical exemption is appropriate for this project and also determine that the formation of the Ventura County Regional Open Space District proposal is exempt under Sections 15313, 15316, 15317 and 15325 (Classes 13, 16, 17 and 25), and Section 15378(b)(4) of the CEQA Guidelines.

F. Commission Policies

The Commission has adopted various written policies as provided and required by State law. These policies are consolidated in the Commissioner's Handbook. Several of the Commission's written policies relate to the formation of new special districts.

Section 3.1.2 of the Commissioner's Handbook states:

"LAFCO shall consider, and approve, where appropriate and feasible, the provision of new or consolidated services in the following order of preference:

- i. Annexation to an existing city.
- ii. Annexation to an existing multiple purpose special district.
- iii. Annexation to an existing single purpose district.
- iv. Consolidation of existing districts.
- v. Annexation to a subsidiary district or County Service Area of which the Board of Supervisors is the governing body.
- vi. Formation of a new County Service Area.
- vii. Incorporation of a new city.
- viii. Formation of a new multiple purpose district.
- ix. Formation of a new single purpose district."

This preference order is consistent with State law and relates to the discussion in this report about the determination required by Government Code Section 56301.

While a single purpose district is typically not the most preferred service provider, there is no other public agency in Ventura County that can perform the Countywide functions proposed for the Ventura County Regional Open Space District. In the Commission's policy hierarchy of preferred governmental structure, only forming an open space district as a County subsidiary district with the Board of Supervisors as the governing board would be a possible option. This option was debated and rejected by the Open Space District Advisory Committee and proved unpopular in the background polls that took place before the Board of Supervisors took action to initiate the formation of the proposed District.

Commissioner's Handbook Section 3.3.3 provides both favorable and unfavorable policy standards for district formation. These policy standards generally do not relate to the type of district being proposed in this case. However, it can be noted this proposal is for services that cannot be provided by an existing dependent or independent district. Furthermore, the proposal is consistent with state law, adopted spheres of influence, applicable general and specific plans, and all other commission policies.

ALTERNATIVE ACTIONS AVAILABLE:

- A. If the Commission, following the public hearing and the review of the materials submitted, determines that further information is necessary, a motion to continue action should state specifically the type of information desired and specify a date certain for further consideration. In order to meet the requirements for the proposal to be placed on the November 2, 2004 ballot LAFCO action will need to occur by the end of June. Thus, any continuance action should also be accompanied by an action to schedule a special meeting.
- B. If the Commission, following the public hearing and the review of the materials submitted, determines that the proposal should be amended or modified, a motion to approve should clearly specify any amendments or modifications.
- C. If the Commission, following the public hearing and review of materials submitted wishes to deny the proposal and not forward the formation of a Ventura County Regional Open Space District to the voters on November 2, 2004, a motion to deny should include adoption of this Report and all referenced materials as part of the public record.

PREPARED FOR THE COMMISSION BY:

Everett Millais, Executive Officer

Attachments

1. LAFCO 04-10 Resolutions, including Exhibit A – Ventura County Board of Supervisors Regional Open Space District Formation Resolution
2. Ventura County Regional Open Space District Transactions and Use Tax Ordinance, including Exhibit 1 – Ventura County Regional Open Space District Transactions and Use Tax Ordinance Expenditure Plan

LAFCO 04-10

**RESOLUTION OF THE VENTURA LOCAL AGENCY
FORMATION COMMISSION MAKING DETERMINATIONS
AND APPROVING THE FORMATION OF THE VENTURA
COUNTY REGIONAL OPEN SPACE DISTRICT**

WHEREAS, the County of Ventura, by Resolution of the Board of Supervisors dated May 25, 2004, initiated the formation of a Ventura County Regional Open Space District and filed a change of organization proposal with the Executive Officer of the Ventura Local Agency Formation Commission pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Section 56000 of the California Government Code); and

WHEREAS, at the times and in the manner required by law, the Executive Officer gave notice of the public hearing on the proposal by the Commission; and

WHEREAS, the Commission duly considered all factors relating to the proposal as required by law on June 9, 2004; and

WHEREAS, the Commission heard, discussed and considered all oral and written testimony for and against the proposal including, but not limited to, the LAFCO Executive Officer's Staff Report and recommendations, the environmental document and findings, and applicable local plans and policies; and

WHEREAS, the Local Agency Formation Commission finds the proposal to be in the best interest of the County of Ventura and the organization of local governmental agencies within Ventura County.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Local Agency Formation Commission as follows:

- (1) The LAFCO Executive Officer's Staff Report and recommendation for approval of the proposal dated June 9, 2004 is adopted.
- (2) The formation of the Ventura County Regional Open Space District is hereby approved as submitted and as approved by the Ventura County Board of Supervisors Regional Open Space District Formation Resolution, dated May 25, 2004, attached hereto as Exhibit A and hereby accepted and made a part hereof.
- (3) The Commission determines that no existing agency can feasibly provide the needed services in a more efficient and accountable manner.

- (4) The boundaries of the affected territory are found to be definite and certain as approved and as set forth in Exhibit A.
- (5) The Commission determines that because the formation of the District is subject to the approval of the voters within Ventura County as set forth in Exhibit A, there is no need or necessity for the Commission to hold separate conducting authority protest proceedings.
- (6) The Commission has reviewed and considered the information contained in the CEQA Notice of Exemption prepared by the County of Ventura as lead agency, dated May 25, 2004, and determines that the Ventura County Regional Open Space District formation proposal is exempt under Sections 15313, 15316, 15317 and 15325 (Classes 13, 16, 17 and 25), and Section 15378(b)(4) of the CEQA Guidelines.
- (7) The Commission directs staff to file a Notice of Exemption in the same manner as a lead agency under CEQA Guidelines Section 15062.
- (8) This change of organization shall not be recorded until all LAFCO fees have been paid and all fees necessary for filing the proposal with the State Board of Equalization have been submitted to the LAFCO Executive Officer.
- (9) This change of organization shall not be recorded until maps and legal descriptions consistent with this approval and suitable for filing with the State Board of Equalization have been submitted to the LAFCO Executive Officer.
- (10) This change of organization shall not be recorded unless the combined District formation and sales tax ballot measure receives at least two-thirds voter approval as provided for in and as required by Exhibit A.

This resolution was adopted on June 9, 2004.

AYES:

NOES:

ABSTAINS:

Dated: _____
Chair, Ventura Local Agency Formation Commission

Attachment: Exhibit A

Copies: Clerk of the Board of Supervisors, Ventura County
Ventura County cities (10) and independent special districts (29)
Ventura County Assessor
Ventura County Auditor
Ventura County Surveyor
Ventura County Planning

EXHIBIT A

**VENTURA COUNTY BOARD OF SUPERVISORS
REGIONAL OPEN SPACE DISTRICT FORMATION RESOLUTION**

Resolution No. 222

Dated: May 25, 2004

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF VENTURA, STATE OF CALIFORNIA, CONCLUDING THE PUBLIC HEARING CALLING FOR AN ELECTION ON THE FORMATION OF THE VENTURA COUNTY REGIONAL OPEN SPACE DISTRICT AND THE ESTABLISHMENT OF AN ANNUAL APPROPRIATIONS LIMIT, ORDERING NOTICE OF ELECTION, ORDERING CONSOLIDATION OF THE ELECTION WITH THE GENERAL ELECTION TO BE HELD ON NOVEMBER 2, 2004, AND REFERRING THE MATTER TO THE LOCAL AGENCY FORMATION COMMISSION EXECUTIVE OFFICER PURSUANT TO PUBLIC RESOURCES CODE SECTION 5517.1.

WHEREAS, this Board did on April 27, 2004, direct the publication of a notice of a public hearing on May 25, 2004 regarding the adoption of a resolution for the formation of the Ventura County Regional Open Space District, and

WHEREAS, that public hearing has been correctly noticed and all persons present were allowed to hear and be heard, and

NOW, THEREFORE, BE IT RESOLVED that this Board of Supervisors hereby finds, declares, determines and orders as follows:

1. That the foregoing recitations are true and correct.
2. That the public hearing is concluded.
3. The name of the District shall be the Ventura County Regional Open Space District.
4. The reason for forming the District is to further the State policy on the preservation of open space expressed in Government Code Section 65562 and to implement the Resource and Land Use Sections of the Ventura County General Plan.
5. That a 5-member board of directors appointed by the Board of Supervisors shall govern the District. The City Selection Committee shall nominate three of the five directors from a list of ten nominees, one each from the ten cities. Each of the three selected nominees shall represent one of three geographic distribution areas as set forth in Attachment A. The Board of Supervisors shall nominate two of the five directors who will represent a countywide perspective.

Should the City Selection Committee fail to timely provide a list of nominees within 30 days after the date the regional district is formed, or within 30 days after a request by the Board of Supervisors, the Board of Supervisors shall appoint the three members, one from each of the geographic distribution areas set forth in Attachment A.

6. In accordance with PRC Section 5533.7(b), within 30 days after the date the regional district is formed, the Board of Supervisors shall appoint five persons to the board of directors of the District. Each appointed board member shall be a registered voter in the District and the terms of office of each member of the board of directors is four years, commencing at noon on the first Monday in January, except as provided below.

The persons appointed to the initial board of directors shall hold their first meeting not later than the first Monday that falls after 45 days after the date of formation of the District. At the first meeting of the board, the directors shall classify themselves by lot into two classes of members. The term of office of the first class with three members shall expire at noon on the first Monday in January that is closest to the fourth year after the appointments are made. The term of office of the class with two members shall expire at noon on the first Monday in January that is closest to the second year after the appointments are made.

7. In accordance with PRC Section 5533.7(c), the Board of Supervisors shall fill any vacancy in the office of the board of directors of the District. Any person appointed to fill a vacant office shall fill the balance of the unexpired term.
8. The Board of Supervisors may remove from office any director for cause.
9. That the District shall not have, and shall not exercise, the power of eminent domain pursuant to Section 5542 of the Public Resources Code (PRC) or any other provision of law and will only purchase interests in real property from willing sellers.
10. That being included within the District will benefit all lands within the boundaries of the District.
11. It is proposed that the District will be financed primarily by a voter-approved one-quarter cent sales tax for a period not to exceed ten years. If received, the District will also be funded by gifts, donations and grants. The District may also be funded by other sources of revenue authorized by law.
12. The boundaries of the District shall be coterminous with the boundaries of the County of Ventura.
13. The annual appropriations limit for the proceeds of the tax levied by or for the District shall be established at \$75 million and the election for the establishment of this limit shall be combined on the ballot with the formation and funding measures, and said election is hereby called for November 2, 2004.
14. The District shall be authorized to issue bonds in accordance with Section 5568 of the Public Resources Code.
15. The Board of Supervisors shall appoint a 3-member Fiscal Oversight Committee within 120 days after the first meeting of the District's Board of Directors. The Committee shall include a representative from a civic organization and the remaining two members shall have expertise in accounting, financial or legal matters. Reasonable efforts will be made to have one appointee from each of the three geographic distribution areas, as set forth

in Attachment A. The Board of Supervisors shall fill any vacancy on the Committee within 60 days of the date the vacancy becomes effective.

16. The District's Board of Directors shall appoint a geographically balanced nine-member Technical Advisory Committee within 120 days after the first meeting of the District Board. The duties of the Committee shall be to advise and make recommendations to the District Board on real property transactions and other matters that the District Board or the General Manager may, from time to time, refer to the Committee for consideration.

The Committee shall consist of nine members with knowledge and experience in areas supportive of the mission of the Open Space District. Representation on the committee shall be as follows:

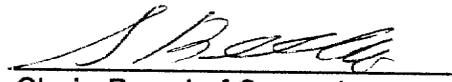
- a. Three members representing the District's agricultural community.
 - b. Three representatives with expertise in wildlife corridor, habitat or wetlands conservation or watershed management.
 - c. One representative with expertise in natural parklands and/or passive recreation.
 - d. One member representing the District's real estate or real estate appraisal industry.
 - e. One member representing the District's business community.
17. An election on the measure for formation of the District is hereby called to be held on November 2, 2004. The formation measure shall be combined on the ballot with the proposed sales tax funding measure set forth in paragraph 11. No District formation shall occur unless the combined formation and sales tax ballot measure receives at least two-thirds voter approval.
 18. The election is hereby ordered consolidated with the November 2, 2004 general election and the County Clerk is hereby authorized and directed to do all things required by law to conduct the election.
 19. The Board of Supervisors requests, in accordance with PRC Section 5506.12(a), that upon approval of this Resolution by the Ventura Local Agency Formation Commission (LAFCO), that the open space district formation measure be sent directly to the voters of Ventura County rather than conducting any separate protest proceedings.
 20. In accordance with PRC Section 5517, the Clerk shall cause a certified copy of this Resolution to be published once a week for three successive weeks prior to the date of the election in the Ventura County Star.
 21. In accordance with PRC 5517.1, the Clerk shall deliver a copy of this Resolution within five days of its adoption, by registered mail to the Executive Officer of the Ventura LAFCO for the preparation of an impartial analysis to be included with the sample ballot.
 22. That the formation of the District is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Sections 15313, 15316, 15317, 15325 and 15378(b)(4) of the CEQA Guidelines.

BE IT FURTHER RESOLVED, this Board waives the County Surveyor's mapping and legal description fees related to District formation and hereby requests that the Ventura LAFCO waives its \$7,000 application fee and the Ventura County Assessor's Office waives its \$2,400 map change fee.

Attachment A Map

Upon motion of Supervisor Flynn, seconded by Supervisor Bennett, duly carried, the forgoing resolution is approved on this 25th day of May, 2004.

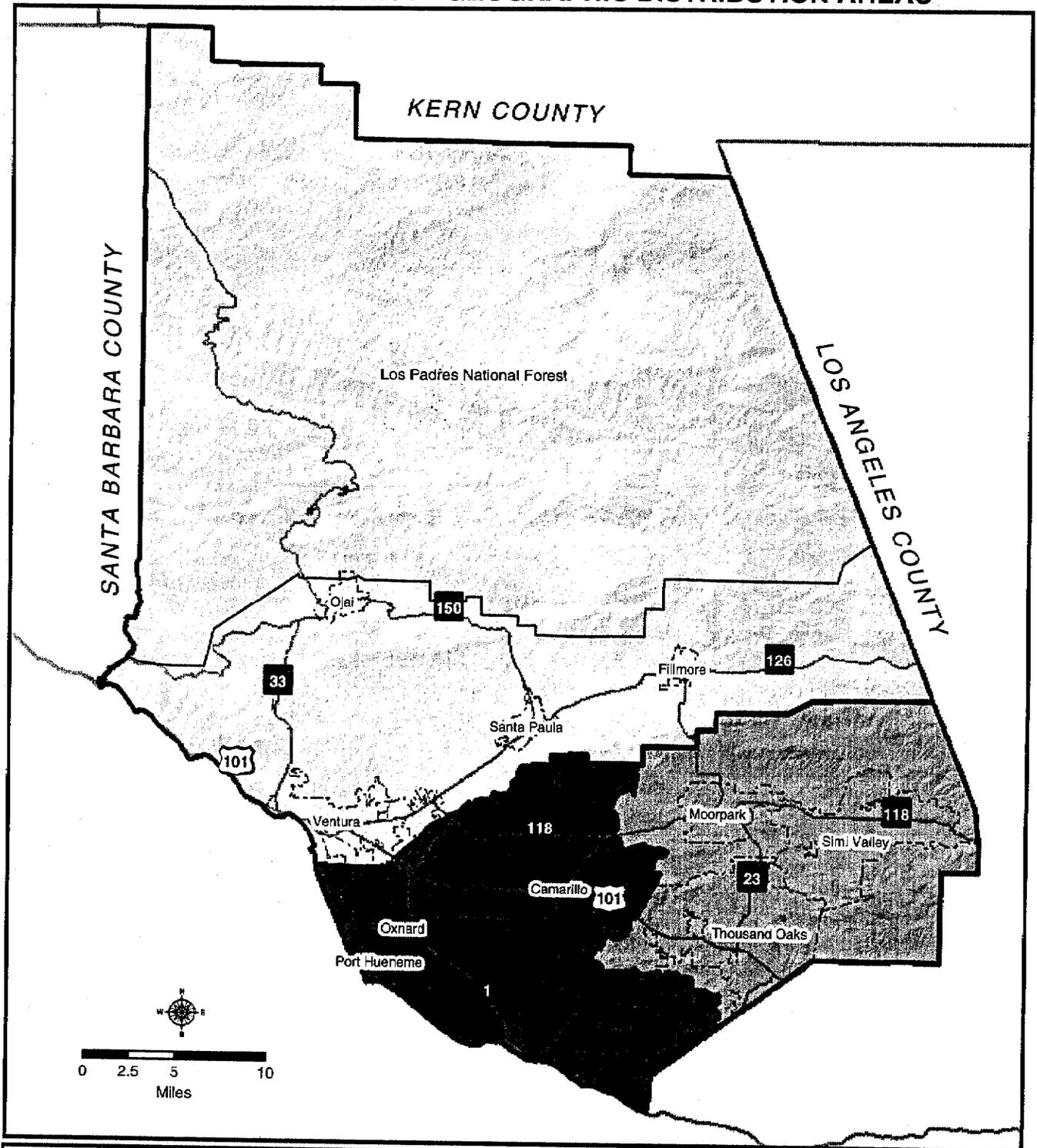



Chair, Board of Supervisors

ATTEST: JOHN F. JOHNSTON
Clerk of the Board of Supervisors,
County of Ventura, State of California

By: 
Deputy Clerk of the Board

ATTACHMENT A OPEN SPACE DISTRICT - GEOGRAPHIC DISTRIBUTION AREAS



Geographic Distribution Areas	
<div style="display: flex; justify-content: space-between; align-items: center;"> <div style="border: 1px solid black; width: 20px; height: 10px; display: inline-block;"></div> North (Fillmore, Ojai, Santa Paula, Ventura) </div>	<div style="display: flex; justify-content: space-between; align-items: center;"> <div style="border: 1px dashed black; width: 20px; height: 10px; display: inline-block;"></div> Cities </div>
<div style="display: flex; justify-content: space-between; align-items: center;"> <div style="background-color: #cccccc; width: 20px; height: 10px; display: inline-block;"></div> East (Moorpark, Simi Valley, Thousand Oaks) </div>	<div style="display: flex; justify-content: space-between; align-items: center;"> <div style="border: 1px solid black; width: 20px; height: 10px; display: inline-block;"></div> National Forest Boundaries </div>
<div style="display: flex; justify-content: space-between; align-items: center;"> <div style="background-color: black; width: 20px; height: 10px; display: inline-block;"></div> West (Camarillo, Oxnard, Port Hueneme) </div>	

Disclaimer: This map was created by the Ventura County Resource Management Agency, Planning Division, which is designed and operated solely for the convenience of the County and related public agencies. The County does not warrant the accuracy of this map and no decision involving a risk of economic loss or physical injury should be made in reliance thereon.

Ventura County Resource Management Agency
Planning Division
March 2003



(Read in title only at 5/25/04 Board Meeting)

Exhibit “ _ ”

ORDINANCE NO. ____

**VENTURA COUNTY REGIONAL OPEN SPACE DISTRICT
TRANSACTIONS AND USE TAX ORDINANCE**

AN ORDINANCE OF THE VENTURA COUNTY BOARD OF SUPERVISORS LEVYING A RETAIL TRANSACTIONS AND USE TAX, SUBJECT TO VOTER RATIFICATION, IN THE INCORPORATED AND UNINCORPORATED TERRITORY OF VENTURA COUNTY IN THE AMOUNT OF ONE-QUARTER OF ONE PERCENT FOR A PERIOD OF TEN YEARS, INCORPORATING AN OPEN SPACE DISTRICT EXPENDITURE PLAN, AND ESTABLISHING AN ANNUAL APPROPRIATIONS LIMIT.

The Board of Supervisors of the County of Ventura ordains as follows:

Section 1. TITLE. This ordinance shall be known as the Ventura County Regional Open Space District Transactions and Use Tax Ordinance. The Ventura County Regional Open Space District shall be called “District”. This ordinance shall be applicable in the incorporated and unincorporated territory of the County of Ventura (“County”) which territory shall also include the territory of the “District”.

Section 2. OPERATIVE AND EFFECTIVE DATES. “Operative date” means the first day of the first calendar quarter commencing more than 110 days after the ratification of this ordinance by the voters as required by Revenue and Taxation Code Section 7285.5(a), provided, however that the taxes imposed by this ordinance shall not be levied unless and until the State Board of Equalization acknowledges that the rate of the tax does not exceed 0.25 percent. “Effective date” means the date that this ordinance is adopted by the Ventura County Board of Supervisors.

Section 3. PURPOSE. This ordinance is adopted to achieve the following, among other purposes, and directs that the provisions hereof be interpreted in order to accomplish those purposes.

- A. To impose a retail transactions and use tax in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code which authorizes the County to adopt this tax ordinance which shall be operative if two-thirds of the electors voting on the measure vote to approve the imposition of the tax at an election called for that purpose.
- B. To adopt a retail transactions and use tax ordinance which incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.6 of Division 2 of the Revenue and Taxation Code.
- C. To adopt a retail transactions and use tax ordinance which imposes a tax and provides a measure therefore that can be administered and collected by the State Board of Equalization in a manner that adopts itself as fully as practicable to and

(Read in title only at 5/25/04 Board Meeting)

requires the least possible deviation from the existing statutory and administrative procedures followed by the State Board of Equalization in administering and collecting the California State Sales and Use Taxes.

- D. To adopt a retail transactions and use tax ordinance which can be administered in a manner which will be to the greatest degree possible consistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting the transactions and use taxes and at the same time minimize the burden of record keeping upon persons subject to taxation under the provisions of this ordinance.
- E. To adopt a retail transactions and use tax ordinance, which will be levied by Ventura County and transferred to the District, that will provide revenue for the purposes set forth in the Open Space District Expenditure Plan and which is attached hereto marked Exhibit 1 and incorporated herein as though fully set forth. The Open Space District Expenditure Plan, prepared pursuant to Section 7285.5(c) of the Revenue and Taxation Code, describes the purpose, project categories, acquisition standards and criteria, and funding requirements for which the revenues from the tax may be expended.

Section 4. CONTRACT WITH STATE. Prior to the operative date, the County shall contract with the State Board of Equalization to perform all functions incident to the administration and operation of this transactions and use tax ordinance provided, that if the County shall not have contracted with the State Board of Equalization prior to the operative date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract.

Section 5. TRANSACTIONS TAX RATE. For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated and unincorporated territory of the County at the maximum rate of one quarter of one percent (0.25 percent) of the gross receipts of any retailer from the sale of all tangible personal property sold as retail in said territory on and after the operative date of this ordinance.

Section 6. PLACE OF SALE. For the purposes of this ordinance, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out of state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State, or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the State Board of Equalization.

Section 7. USE TAX RATE. An excise tax is hereby imposed on the storage, use or other consumption in the County of tangible personal property purchased from any retailer on and after the operative date of this ordinance for storage, use or other consumption in said territory at the rate of one quarter of one percent (0.25 percent) of the sales price of the property. The sales price shall include delivery charges when such

(Read in title only at 5/25/04 Board Meeting)

charges are subject to state sales or use tax regardless of the place to which delivery is made.

Section 8. ADOPTION OF PROVISIONS OF STATE LAW. Except as otherwise provided in this ordinance and except insofar as they are inconsistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code are hereby adopted and made a part of this ordinance as though fully set forth herein.

Section 9. PERMIT NOT REQUIRED. If a seller's permit has been issued to a retailer under Section 6067 of the Revenue and Taxation Code, an additional transactor's permit shall not be required by this ordinance.

Section 10. LIMITATIONS ON ADOPTION OF STATE LAW AND COLLECTION OF USE TAXES. In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code:

- A. Wherever the State of California is named or referred to as the taxing agency, the name of this County shall be substituted therefore. However, the substitution shall not be made when:
 - (1) The word "State" is used as a part of the title of the State Controller, State Treasurer, State Board of Equalization, State Treasurer, or the Constitution of the State of California;
 - (2) The result of that substitution would require action to be taken by or against this County or any agency, officer, or employee thereof rather than by or against the State Board of Equalization, in performing the functions incident to the administration or operation of this ordinance;
 - (3) In those sections, including, but not necessarily limited to, sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to:
 - a. Provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code; or
 - b. Impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property that would not be subject to tax by the State under the said provisions of that code.
 - (4) In Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code.
- B. The word "County" shall be substituted for the Word "State" in the phrase "retailer engaged in business in this State" in Section 6203 and in the definition of that phrase in Section 6203.

(Read in title only at 5/25/04 Board Meeting)

Section 11. EXEMPTIONS AND EXCLUSIONS.

- A. There shall be excluded from the measure of the transactions tax and the use tax the amount of any sales tax or use tax imposed by the State of California or by any city, city and county, or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law or the amount of any state-administered transactions and use tax.
- B. There are exempted from the computation of the amount of transaction tax the gross receipts from:
- (1) Sales of tangible personal property to operators of aircraft to be used or consumed principally outside the County in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government.
 - (2) Sales of property to be used outside the County which is shipped to a point outside the County pursuant to the contract of sales, by delivery to such point by the retailer or his agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this paragraph, delivery to a point outside the County shall be satisfied:
 - a. With respect to vehicles other than commercial vehicles subject or registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, and undocumented vessels registered under Chapter 2 of Division 3.5 (commencing with Section 9850) of the Vehicle Code, by registration to an out-of-County address and by a declaration under penalty of perjury, signed by the buyer stating that such address is, in fact, his principal place of residence; and
 - b. With respect to commercial vehicles, by registration to a place of business out-of-County and declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.
 - (3) The sales of tangible personal property if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance.
 - (4) A lease of tangible personal property which is a continuing sale of such property, for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the operative date of this ordinance.
 - (5) For the purposes of subsections (3) and (4) of this section, the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.
- C. There is exempted from the use tax imposed by this ordinance, the storage, use or other consumption in this County of tangible personal property:

(Read in title only at 5/25/04 Board Meeting)

- (1) The gross receipts from the sale of which have been subject to a transactions tax under any state-administered transactions and use tax ordinance.
 - (2) Purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government. This exemption is in addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code of the State of California.
 - (3) If the purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance.
 - (4) If the possession of, or the exercise of any right or power over the tangible personal property arises under a lease, which is a continuing purchase of such property for any period of time, for which the lessee is obligated to lease the property for an amount fixed by a lease prior to the operative date of this ordinance.
 - (5) For the purposes of subsections (3) and (4) of this section, storage, use or any consumption or possession of, or exercise of any right of power over, tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.
 - (6) Except as provided in subparagraph (7), a retailer engaged in business in the County, shall not be required to collect use tax from the purchaser of tangible personal property unless the retailer ships or delivers the property into the County or participates within the County in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the canvasser, solicitor, subsidiary, or person in the County under the authority of the retailer.
 - (7) A retailer engaged in business in the County shall also include any retailer of any of the following: vehicles subject to registration pursuant to Chapter 2 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, or undocumented vessels registered under Chapter 2 of Division 3.5 (commencing with Section 9850) of the Vehicle Code. That retailer shall be required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in the County.
- D. Any person subject to a use tax under this ordinance may credit against that tax any transactions tax or reimbursement for transactions tax paid to a district imposing, or retailer liable for a transaction tax pursuant to Part 1.6 of Division 2 of the Revenue and Taxation Code with respect to the sale to the person of the

(Read in title only at 5/25/04 Board Meeting)

property the storage, use or other consumption of which is subject to the use tax.

Section 12. AMENDMENTS. All amendments subsequent to the effective date of this ordinance to Part 1 of Division 2 of the Revenue and Taxation Code relating to sales and use taxes and which are not inconsistent with Part 1.6 of Division 2 of the Revenue and Taxation Code, and all amendments to Part 1.6 of Division 2 of the Revenue and Taxation Code, shall automatically become a part of this ordinance provided, however, that no such amendment shall operate so as to affect the rate of or duration of the tax imposed by this ordinance.

Section 13. TERMINATION OF TAXES. The taxes imposed by this ordinance shall remain in effect for not longer than ten years but may be reimposed or extended with the vote of the County's electors as required by law.

Section 14. OPEN SPACE DISTRICT EXPENDITURE PLAN. The Open Space District Expenditure Plan that is attached hereto as Exhibit 1 and incorporated herein as though fully set forth describes the categories of the specific projects for which the revenues from the tax will be expended.

Section 15. ENJOINING COLLECTION FORBIDDEN. No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or the County, or against any officer of the State or the County to prevent the collection under this ordinance, or Part 1.6 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected.

Section 16. APPROPRIATIONS LIMIT. The annual appropriations limit for the proceeds of the tax levied by or for the District shall be established at \$75 million, and the election for the establishment of this limit shall be combined on the ballot with the formation and funding measures, and said election is hereby called for November 2, 2004.

Section 17. BONDING AUTHORITY. The District shall be authorized to issue bonds in accordance with Section 5568 of the Public Resources Code.

Section 18. PUBLIC PURPOSE. The Ventura County Board of Supervisors finds and declares that because the revenue derived from the tax imposed pursuant to this ordinance would be transferred to and used by the District exclusively for open space, agricultural land and parkland acquisition and conservation within the boundaries of the County as described in the Open Space District Expenditure Plan, this ordinance serves a specific public purpose of the County in imposing the tax.

Section 19. CALL FOR AN ELECTION. An election on this ordinance for funding the District is hereby called to be held on November 2, 2004. This funding ordinance shall be combined on the ballot with the proposed formation measure. No District funding shall occur unless the combined sales tax ordinance measure and the formation measure receives at least two-thirds voter approval.

Section 20. SEVERABILITY. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and

the application of such provision to other persons or circumstances shall not be affected thereby.

Section 21. EFFECTIVE/OPERATIVE DATES. This ordinance relates to the levying and collecting of the County transactions and use tax and as provided in Section 2, shall be effective upon its adoption by the Board of Supervisors, and shall become operative the first day of the first calendar quarter commencing more than 110 days after voter approval, and as required by law.

Exhibit 1 – Open Space District Expenditure Plan

PASSED AND ADOPTED by the Board of Supervisors of Ventura County on June 8, 2004 by the following vote:

AYES:

NOES:

ABSENT:

Steve Bennett, Chair
Ventura County Board of Supervisors

ATTEST: JOHN F. JOHNSTON
Clerk of the Board of Supervisors,
County of Ventura, State of California

By: _____
Deputy Clerk of the Board

(Read in title only at 5/25/04 Board Meeting)

Exhibit "1" to
ORDINANCE NO. __

**VENTURA COUNTY REGIONAL OPEN SPACE DISTRICT
TRANSACTION AND USE TAX ORDINANCE EXPENDITURE PLAN**

This Open Space District Expenditure Plan is attached to and incorporated within the Ventura County Regional Open Space District Transaction and Use Tax Ordinance as though fully set forth. The Plan was prepared pursuant to Section 7285.5(c) of the Revenue and Taxation Code.

PURPOSE

The purpose of this Open Space District Expenditure Plan is to implement the 2004 Ventura County General Plan by preserving agricultural lands and acquiring open space lands and parkland. This purpose will be accomplished by preserving, enhancing and/or restoring the agricultural resources and the natural qualities of Ventura County (e.g., ridgelines, scenic viewsheds, agricultural lands, wildlife corridors, natural habitat, greenbelts between the cities, hillsides, wetlands, rivers and streams, and natural parksites) for the enjoyment and benefit of present and future residents of the County.

LAND CATEGORY DEFINITIONS

Expenditures shall be used for agricultural land preservation and open space and parkland acquisitions on appropriately designated lands. The term "acquisition" applies to the fee purchase of land and/or the purchase of conservation easements for three land categories:

1. Agricultural applies to irrigated lands (e.g., prime farmland, farmland of statewide significance, unique farmland) and non-irrigated lands (e.g., farmland of local importance and grazing lands) that are suitable for the production of agricultural commodities and/or the raising of livestock.
2. Open Space applies to an area of undeveloped lands, wetlands, rivers or streams that has substantially retained its characteristics as provided by nature or has been substantially restored, or which can be feasibly restored to a near natural condition, and which has natural habitat, wildlife or scenic resources.
3. Parkland applies to lands with scenic, natural, and/or open space values, set aside to conserve natural, scenic, cultural, or ecological resources for present and future generations and to be used by the public as a place for rest, education, and primarily passive recreation.

ACQUISITION ELIGIBILITY STANDARDS AND SELECTION CRITERIA

The following Eligibility Standards and Selection Criteria shall be used to evaluate and select future properties for funding.

1. Eligibility Standards – Land acquisitions shall meet all of the standards in the General

category and at least one of the standards in the Agricultural, Open Space and Parkland categories.

a. General – Acquisitions shall meet all of these standards:

- (1) Property or conservation easement is available for acquisition from a willing seller;
- (2) A capable governmental entity and/or non-governmental organization monitors, administers, operates, maintains and/or accepts liability for the property.
- (3) The existing or proposed use of the property does not create a significant land use compatibility conflict among adjacent agricultural, open space or parkland uses.

b. Agricultural – Acquisitions shall meet one or more of these standards:

- (1) Irrigated farmland
- (2) Non-irrigated farmland
- (3) Livestock grazing land

c. Open Space – Acquisitions shall meet one or more of these standards:

- (1) Wildlife resources, natural habitat or the potential for the restoration of natural habitat.
- (2) Scenic resources such as ridgelines and viewsheds.

d. Parkland – Acquisitions shall meet one or more of these standards:

- (1) Wildlife resources, natural habitat or the potential for the restoration or natural habitat.
- (2) Cultural and/or historical values.
- (3) Passive recreational values
- (4) Scenic resources such as ridgelines and viewsheds.

2. Selection Criteria – All acquisitions are measured against the General Criteria – agricultural lands are also measured against the Agricultural criteria, open space lands are also measured against the Open Space criteria, and parklands are also measured against the Parkland criteria. The greater the number of criteria that a proposed acquisition meets, the greater the likelihood that it would be funded.

a. General – All acquisitions shall be evaluated against the following criteria (not ranked in order of significance):

- (1) Property has a high likelihood of being converted to urban or other non-agricultural, non-open space or non-parkland uses.
- (2) The acquisition has been approved by the appropriate city council (if the land is located within a city), or the Board of Supervisors (if the land is located in the unincorporated area), at a duly noticed public hearing.
- (3) Is nearby or contiguous to existing open space district (OSD) protected parcels or similarly protected or designated lands.
- (4) Has significant strategic value in meeting broad OSD goals such as protecting coastal water quality or preserving scenic vistas.
- (5) Is eligible for and can be assisted by matching funds from government and/or non-governmental organizations.

- (6) Has unique time limited opportunity value at the time of purchase.
 - (7) Provides multiple benefits (e.g., valuable core habitat or the potential for the restoration of natural habitat and/or wildlife corridor).
 - (8) Is part of a greenbelt or buffer between cities or unincorporated communities.
 - (9) Provides important watershed benefits or protection (e.g., protect riparian areas, improve aquifer recharge and erosion control, and/or minimize runoff).
- b. Agricultural – Agricultural preservation shall be evaluated using the following criteria (not ranked in order of significance):
- (1) Has adequate soil quality to support long-term agricultural production.
 - (2) Has access to an affordable, reliable water supply of adequate quality.
 - (3) The parcel size is sufficient to support agricultural production.
 - (4) Supports crop use versatility (e.g., site is frost -free and has minimal flood hazard).
 - (5) Parcel sizes of surrounding properties support long-term agricultural production.
 - (6) Contributes to the conservation of a significant regional or contiguous agricultural land base.
 - (7) Minimizes farm/urban conflicts by maximizing large contiguous agricultural areas and minimizing the farm/urban interface through the provision of buffer areas.
- c. Open Space – Open space acquisitions shall be evaluated using the following criteria (not ranked in order of significance):
- (1) Includes a high quality of habitat type (e.g., high quality riparian, coastal sage scrub, coastal/intertidal zone, oak woodland).
 - (2) Is rich in the number and diversity of native species.
 - (3) Has federally or state listed endangered or threatened species, candidate species, species of concern, and/or locally rare species.
 - (4) Has habitat connectivity (e.g., functions or could function as a wildlife corridor).
 - (5) Visibility – lands are located adjacent to or in close proximity to greenbelts, transportation corridors and/or scenic highways.
 - (6) Has proximity to the Pacific Ocean coastline or to at least one blue-line stream, intermittent stream, wetland, creek and/or other watercourse.
- d. Parkland – Parkland acquisitions shall be evaluated using the following criteria (not ranked in order of significance):
- (1) Has above average habitat value to include a variety of plants and wildlife.
 - (2) Has unusually varied terrain, to include natural areas offering educational and recreational opportunities.
 - (3) Has or potentially will have access from one or more public roadways.
 - (4) Includes or potentially includes an important trailhead, a regional or local trail, and/or a vista point or overlook over a significant viewshed.
 - (5) Contributes to the protection of scenic views.

- (6) Includes a federal, state or locally designated or eligible historic or archaeologically significant site, such as one listed on the National Register of Historic Places.
- (7) Has proximity to the Pacific Ocean coastline or to at least one blue-line stream, intermittent stream, wetland, creek, and/or other watercourse.
- (8) Visibility – lands are located adjacent to or in close proximity to greenbelts, transportation corridors and/or scenic highways.
- (9) Improves or significantly enhances passive parkland in an urban area.
- (10) Provides or significantly enhances recreational opportunities in a park poor community.

FUNDING REQUIREMENTS

A minimum of 85% of the Ventura County Regional Open Space District's (District) funding shall be used for acquisition purposes. In no event shall annual administrative costs exceed 3% of the annual sales tax revenue received by the District. Any remaining funds may be used for open space, agriculture and parkland maintenance, operations, monitoring or acquisition.

The acquisition funds shall be divided into two categories: 1) funds allocated according to Geographic Distribution, and 2) the Flexibility Fund. Funding shall not be distributed in fixed percentages among the Agricultural, Open Space and Parkland categories.

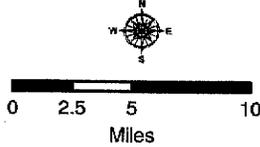
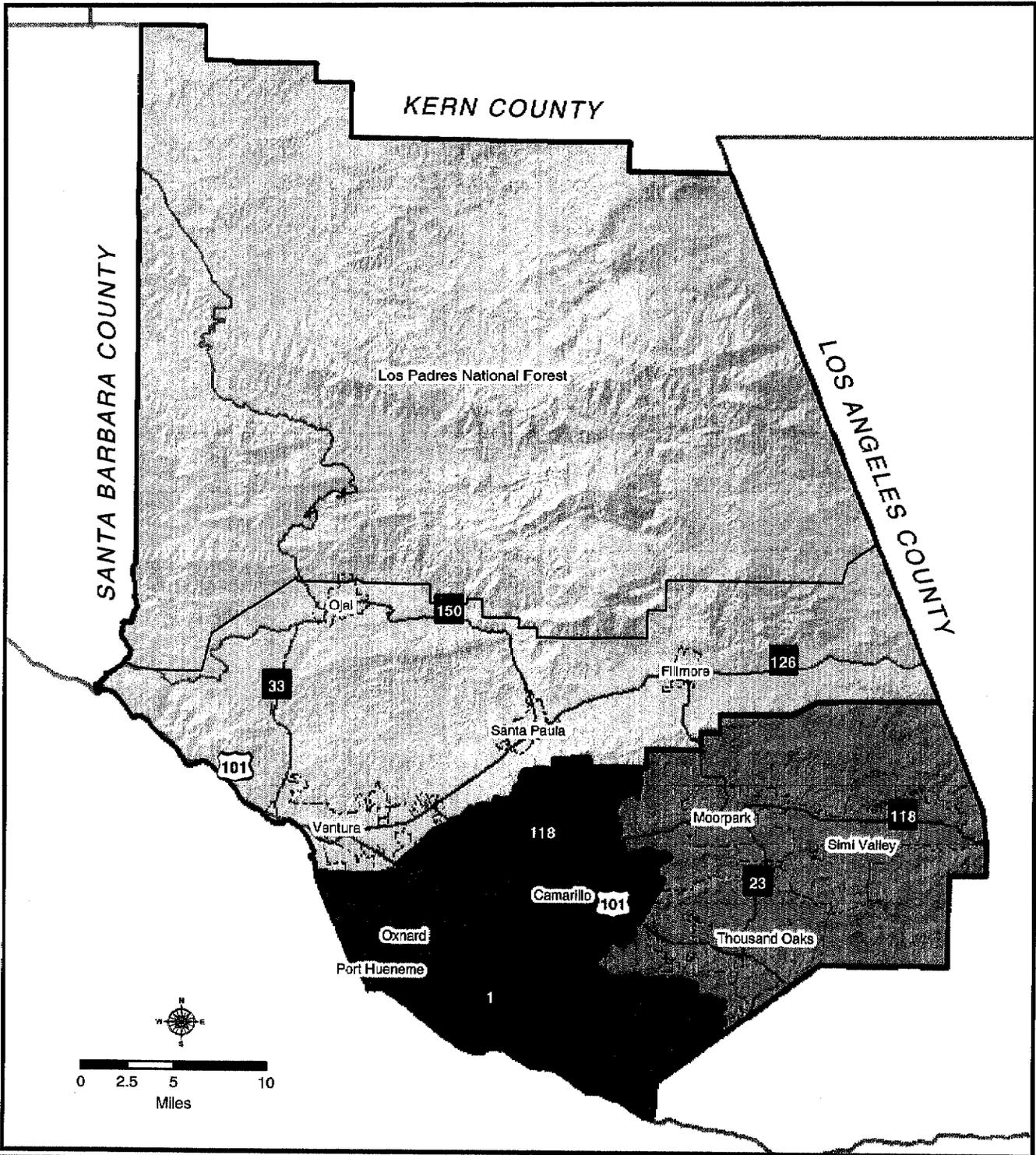
1. **Geographic Distribution** – Funds shall be distributed among three geographic areas: North, East and West (see Attachment A which is incorporated herein as though fully set forth). Distribution shall be population-based (updated annually to reflect annual Department of Finance estimates), and the boundaries of the geographic areas shall remain fixed for the ten-year term of the funding measure.

The distribution of funds shall be balanced over the ten-year period – in any given single year, a specific geographic area may receive more or less than its population share but after ten years each of the geographic areas shall receive an equitable distribution of funds based on population.

2. **Flexibility Fund** – Up to 10% of the acquisition funds shall be available to fund projects of special merit that do not meet the geographic distribution requirements.

This Expenditure Plan shall be administered by the Ventura County Regional Open Space District.

ATTACHMENT A OPEN SPACE DISTRICT - GEOGRAPHIC DISTRIBUTION AREAS



Geographic Distribution Areas		Other Features	
	North (Fillmore, Ojai, Santa Paula, Ventura)		Cities
	East (Moorpark, Simi Valley, Thousand Oaks)		National Forest Boundaries
	West (Camarillo, Oxnard, Port Hueneme)		

Disclaimer: This map was created by the Ventura County Resource Management Agency, Planning Division, which is designed and operated solely for the convenience of the County and related public agencies. The County does not warrant the accuracy of this map and no decision involving a risk of a economic loss or physical injury should be made in reliance thereon.

Ventura County Resource Management Agency
Planning Division
March 2005

