

EAST BAY REGIONAL PARK DISTRICT

RESOLUTION NO. 2018 – 06 -

June 5, 2018

ADOPTION OF AN EXPENDITURE PLAN AND A STATEMENT REGARDING
ANNUAL APPROPRIATIONS LIMIT AND ACCOUNTABILITY MEASURES FOR
EAST BAY REGIONAL PARK DISTRICT
COMMUNITY FACILITIES DISTRICT NO. A/C-3

WHEREAS, on June 5, 2018, the Board of Directors of the East Bay Regional Park District adopted a resolution entitled “A Resolution of the Board of Directors of the East Bay Regional Park District, California, Declaring the Formation of a Community Facilities District East Bay Regional Park District Community Facilities District No. A/C-3” (Resolution of Formation); and

WHEREAS, the Resolution of Formation authorized the levy of a special tax on property within CFD No. A/C-3 and preliminarily established an appropriations limit for the CFD, all pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, Sections 53311 and following of the California Government Code (the “Act”); and

WHEREAS, the levy of a special tax is for purposes of wildfire protection, safe parks and trails, public access, and natural habitat, among other things; and

WHEREAS, the territory of the CFD includes the cities and communities of Alameda, Oakland, Piedmont, Albany, Richmond, San Pablo, El Sobrante, Kensington, Berkeley, Emeryville and El Cerrito and contains the oldest parks in the system, some dating back to the 1930s, and the highest population density and park use in the District by the urban communities lining the eastern shoreline of the San Francisco Bay; and

WHEREAS, the parks within the CFD to benefit from the levy of special taxes include: Alameda Point, Anthony Chabot, Crown Beach/Crab Cove, Gateway, Kennedy Grove, Lake Chabot, Leona Canyon, Martin Luther King, Jr., McLaughlin Eastshore, Miller-Knox, Point Isabel, Point Molate, Point Pinole, Redwood, Roberts, Sibley/Huckleberry/Claremont Canyon, Sobrante Ridge, Temescal, Tilden and Wildcat Canyon, and such new parks or properties that may be purchased and/or annexed to parks within the CFD; and

WHEREAS, the Board of Directors has deemed it desirable to adopt an Expenditure Plan for the revenue from the proposed special tax which includes the necessary and optimal uses of the revenue including a Commitment List and Proposed Use of Funds (Commitment List); and

WHEREAS, the draft Commitment List was approved by the Board of Directors on January 16, 2018 by Resolution 2018-1-007 and was reviewed by the Board Legislative Committee on May 18, 2018 for favorable consideration by the full Board at the meeting of June 5, 2018; and

WHEREAS, the Resolution of Formation established an initial annual appropriations limit, as defined by subdivision (h) of Section 8 of Article XIII B of the California Constitution, for the

CFD at an amount equal to \$3,300,000, subject to approval by the voters of the CFD at the November 8, 2018, election. The annual appropriations limit shall become effective if approved by the qualified electors voting thereon and shall be adjusted in accordance with the applicable provisions of the Act and the California Constitution.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the East Bay Regional Park District hereby approve the Expenditure Plan for Community Facilities District No. A/C-3 which includes the Commitment List and Proposed Use of Funds as attached and made part of this Resolution; and

BE IT FURTHER RESOLVED that the Oakland Zoo is eligible for funding not to exceed \$100,000 per year for purposes of enhancing conservation and stewardship efforts and youth engagement, which amount may be granted on an annual basis pursuant to the terms and conditions of a Local Grant Agreement; and

BE IT FURTHER RESOLVED that approval of the special tax by the voters will assure funding for the projects and services listed in the Commitment List but will not constitute approval of any particular project; and

BE IT FURTHER RESOLVED that since the tax is a special tax, the District must identify the uses to which it will put the tax proceeds, however, approval of a tax for funding of those categories of work is not a commitment to a specific project that will affect the environment, and for those reasons, the action proposed is not a "project" requiring CEQA compliance; and

BE IT FURTHER RESOLVED that the Board of Directors of the East Bay Regional Park District hereby approve a Statement Regarding the Annual Appropriations Limit and Accountability Measures for CFD No. A/C-3 as attached and made part of this Resolution (Statement Regarding CFD Annual Appropriations Limit). The Statement Regarding CFD Annual Appropriations Limit shall be submitted to the voters of the CFD at the November 8, 2018, election as a part of the measure seeking voter approval of the special tax. The initial annual appropriations limit for the CFD shall be approved if voters within the CFD approve the measure; and

BE IT FURTHER RESOLVED that the Board of Directors of the East Bay Regional Park District hereby authorize the General Manager and Clerk of the Board to formally request the Alameda County Registrar of Voters and Contra Costa County Elections Office to print this resolution and the full Expenditure Plan and Commitment List and Proposed Use of Funds and the Statement Regarding CFD Annual Appropriations Limit in the Voter Information Guide mailed to all voters within CFD No. A/C-3; and

BE IT FURTHER RESOLVED that the General Manager is hereby authorized and directed, on behalf of the District and in its name, to execute and deliver such documents and to do such acts as may be deemed necessary or appropriate to accomplish the intentions of this resolution.

Moved by _____, seconded by _____ and adopted this 5th day of June, 2018, by the following vote:

FOR:

AGAINST:

ABSTAIN:

ABSENT:

Page Left Blank Intentionally

EAST BAY REGIONAL PARK DISTRICT
COMMUNITY FACILITIES DISTRICT NO. A/C-3
EXPENDITURE PLAN

INTRODUCTION

On June 5, 2018, the East Bay Regional Park District (“Park District”) Board of Directors authorized submitting a special tax measure to the voters of Zone I to extend an existing parcel tax for a period of 20 years in order to continue to fund essential park projects and services. As part of the measure, the Board authorized the formation of Community Facilities District No. A/C-3 (“CFD No. A/C-3) to encompass the same boundary and territory as Zone I and authorized the levy of a special tax on property within CFD No. A/C-3 of \$12/year for single-family and \$8.28/per multi-family unit for a period of twenty (20) years.

This Expenditure Plan for CFD No. A/C-3 (“the Expenditure Plan”) is intended to provide guidance for the implementation of spending proceeds of the tax authorized as part of CFD No. A/C-3. This Plan continues the purposes of Measure CC, consistent with the Board adopted Resolution of Intention, Resolution of Formation, and Rate and Method of Apportionment required for the formation of CFD No. A/C-3.

The focus for expenditure of the tax revenues includes wildfire protection, safe parks and trails, public access, and natural habitat, among other things.

BACKGROUND

The Park District includes all of Alameda and Contra Costa Counties. The Park District operates 73 regional parks, recreation areas, shorelines, preserves, wilderness and land banked areas, on more than 121,390 acres of parkland and over 1250 miles of trails.

In 2004, Measure CC was approved by more than two-thirds of the voters in the boundary of Zone I which encompasses the cities and communities of Alameda, Oakland, Piedmont, Albany, Richmond, San Pablo, El Sobrante, Kensington, Berkeley, Emeryville and El Cerrito. Measure CC levied a \$12 per year tax on single-family parcels and \$8.28 per year tax on multi-family units to improve park facilities, protect the environment and open-space, enhance public access and maintain public safety. Zone I is the same territory and boundary as CFD No. A/C-3. Measure CC tax funding will expire on June 30, 2020.

Measure CC was created with the recognition that the Park District’s General Fund annual revenue is appropriated in support of existing operations which enables the Park District to support current operations, but provides limited funding for new park services or facilities. CFD No. A/C-3 has the highest population density and park use in the Park District with some of the oldest parks in the regional park system. There are 22 parks in CFD No A/C-3 including Alameda Point, Anthony Chabot, Crown Beach/Crab Cove, Gateway, Kennedy Grove, Lake Chabot, Leona Canyon, Martin Luther King, Jr., McLaughlin Eastshore, Miller-Knox, Point Isabel, Point

Molate, Point Pinole, Redwood, Roberts, Sibley/Huckleberry/Claremont Canyon, Sobrante Ridge, Temescal, Tilden and Wildcat Canyon, and such new parks or properties that may be purchased and/or annexed to parks within the CFD.

The Board of Directors has determined that it is necessary to extend the Measure CC parcel tax to continue to provide for essential park projects and services in CFD No, A/C-3. In furtherance thereof, the Board has authorized putting a special tax measure to the voters within CFD No. A/C-3 with has the same boundaries and territory as the Measure CC zone. The proposed levy of special taxes is the same as Measure CC: \$12 per year on single-family parcels and \$8.28 per year on multi-family units. The proposed tax will expire in 20 years.

INVESTMENTS IN PARKS AND PROGRAMS

The purpose of the special tax levy is for maintenance, improvement, and servicing of parklands, trails, open space, and related parkland access improvements; public safety protection services; recreation and open-space program services; flood and storm protection services; maintenance and operation of Park District property, including open space; and the construction, expansion, improvement, or rehabilitation of Park District property, including park, recreation, open space, and flood and storm protection facilities.

The Park District engaged in substantial public outreach to develop the attached “Commitment List and Proposed Use of Funds” (“Commitment List”) which is incorporated herein by this reference. The Commitment List is consistent with the Park District’s Master Plan and deemed necessary to provide continuing and enhanced levels of service and park projects in CFD No. A/C-3 for purposes of wildfire protections, safe parks and trails, public access, and natural habitat, among other things.

The Commitment List currently identifies the current allocation of the proceeds from the special tax as follows:

Natural Resource Related	40%
Safety, Access, Facility Improvements	50%
10% Contingency	10%
Total	100%

The approval of this Expenditure Plan does not guarantee that each and every project or program on the Commitment List will be completed or undertaken in the time frame proposed. The Board may make adjustments reflecting opportunities that arise over the life of the Expenditure Plan that are found to be beneficial for resource enhancement or public access and safety projects but are not necessarily identified on the Commitment List. This Expenditure Plan commits that a minimum of thirty (30%) of proceeds shall be used for natural resource related projects, programs or services over the life of the measure.

ADMINISTRATION, OVERSIGHT, AND IMPLEMENTATION

Term of Plan

This Plan and the tax levied within CFD No. A/C-3 will be in effect for 20 years, starting on July 1, 2020 and continuing through June 30, 2040. It may be extended by voters within the CFD prior to expiration.

Restrictions on Use of Funds

Funds from the proceeds of the tax levied within the CFD shall be accounted for and paid into a separate account restricted to the uses described in the Resolution of Intention, Resolution of Formation, and Rate and Method of Apportionment required for the formation of CFD No. A/C-3, and this Plan, including the Commitment List, as it may be amended. Funds from the proceeds of the tax levied may be spent only in the territory or vicinity of CFD No. A/C-3.

The park facilities in the CFD, in common with the majority of Park District facilities, are currently supported by monies derived from property taxes, grants, revenues from fees and charges, and other miscellaneous funding sources, and it is the specific intention of the Board that new funds raised by the special tax will augment existing funding sources.

Continued Public Engagement in Selection of Projects

Annually each year that the tax is in effect, the Park District Board of Directors will review project selections and allocations supported by revenue from the tax. For projects that are not ongoing, this Plan contemplates that the Board will decide which to initiate, based upon a variety of factors, including but not limited to equity in allocation of funds within the CFD, availability of funds, opportunities for supplemental outside funding, the timing of related projects sponsored by other agencies, and the time necessary for planning projects.

The Board may hold public forums from time-to-time regarding the allocation of funds and support of projects, whenever questions and/or issues arise that merit additional input from the general public, including stakeholder groups and organizations. Proposed allocations and expenditures of tax revenue shall be reviewed by the Board Finance Committee. Meetings of the Board Finance Committee shall be open to the public with opportunities for the public to comment upon the proposals.

Annual Accounting

The Board of Directors will annually review project selections and allocations funded by the tax proceeds. Each year there will be an annual report and public accounting of the use of tax proceeds during the past year. The annual accounting shall be a public document available for review prior to Board consideration of each year's proposed allocations and expenditures.

Amendment of the Expenditure Plan

Based upon the Park District's experience with Measure CC, over the life of the Expenditure Plan, the Park District may find that some projects or programs in the Commitment List require

modification, re-prioritization, or elimination or replacement to meet the overarching goals of the Expenditure Plan. The Board is therefore authorized to amend this Plan, including the Commitment List, to provide for the use of additional federal, state or local revenues, to account for unexpected revenues, to take into consideration unforeseen circumstances or respond to a comprehensive review over the 20-year life of the tax. Any amendments to the Expenditure Plan must be consistent with the voter-approved purposes of the tax. The Board may amend the Expenditure Plan, including the Commitment List, by the adoption of a separate resolution or by including the amendment in a resolution approving or authorizing a project or program.

Compliance with Environmental Law in Project Approval Process

To the extent that a use of tax proceeds described in this Plan would constitute a project within the meaning of the California Environmental Quality Act (“CEQA”), those projects will be subject to environmental review pursuant to CEQA at the earliest feasible time prior to the Board approving any particular project, consistent with CEQA Guidelines Sections 15004 and 15352. The Park District has identified the uses to which it will utilize the tax proceeds, however approval of this Plan is not a commitment to a specific project that will affect the environment. Approval of this Plan is not itself a project as it can be seen with certainty that there is no possibility that the approval of the Expenditure Plan itself may have a significant effect on the environment.

COMMITMENT LIST AND PROPOSED USE OF FUNDS

Page Left Blank Intentionally

Commitment List and Proposed Use of Funds

Line #	Location	Commitment	Total Allocation
1	Alameda Point	Increase park and public safety personnel to operate a new regional park. Protect seasonal wetlands, Breakwater Beach shoreline and park facilities by designing for sea level rise adaptation using natural systems.	2,950,000
2	Anthony Chabot	Reduce storm erosion for improved creek water quality and natural habitat. Upgrade visitor use facilities. Increase recreational trail access and provide for trail safety structural improvements.	215,000
3	Crown Beach	Develop sea level rise interpretation with educational programming. Continue year-round Visitor Center services through staffing. Improve San Francisco Bay health by upgrading the beach-front storm water drainage system. Expand park and improve visitor use facilities.	4,225,000
4	Gateway	Enhance tidal and intertidal habitat to provide for shoreline protection through use of natural systems. Convert existing paved lands to natural landscape. Increase public access to the San Francisco Bay Trail and newly constructed Bay Bridge bike path. Provide for park personnel to develop, operate and maintain future park facilities.	1,400,000
5	Green Transportation / Regional Trails	Provide regional trail connectivity for commuters and safe routes to school, specifically in disadvantaged communities and along the San Francisco Bay Trail. Expand and maintain parkland trails to increase access while preventing erosion for protection of sensitive, natural habitats. Increase public safety patrol to enforce trail use ordinances in protection of wildlife. Explore potential to enter into partnership with transportation provider to increase park access.	4,300,000
6	Kennedy Grove	Repair erosion of urban creek streambank for improved water quality, habitat and trail access.	150,000
7	Lake Chabot	Upgrade marina facilities for boating and fishing access, safety and experience.	400,000

Commitment List and Proposed Use of Funds

Line #	Location	Commitment	Total Allocation
8	Leona Canyon	Reduce erosion and sediment build up to improve water quality of creek through trail maintenance and stewardship efforts.	40,000
9	McLaughlin Eastshore State Park	Provide for shoreline and natural habitat protection across the State Park and Albany Bulb. Expand park personnel for increased wildlife conservation. Provide for protection and monitoring of burrowing owl habitat. Improve visitor use facilities.	6,835,000
10	Miller/Knox	Provide for shoreline protection and sea level rise adaptation using natural systems. Increase park staffing and upgrade Keller Beach visitor experience. Enhance drought tolerant landscape through stewardship improvements, such as removal of French broom and other invasive plants.	1,040,000
11	MLK Jr. Shoreline	Develop nature-based flood protection for shoreline and facilities in anticipation of sea level rise. Improve marsh habitat for endangered Ridgway's rail. Improve visitor experience with facility upgrades, and increased park and public safety personnel. Provide for expanded educational and recreational programming to serve the surrounding communities.	6,905,000
12	Oakland Zoo	Enhance conservation and stewardship efforts. Provide for youth engagement.	2,000,000
13	Point Isabel	Stabilize banks of Hoffman Channel for shoreline protection, improved visitor access and healthier San Francisco Bay water quality. Provide for conservation for endangered Ridgway's rail habitat and environmental maintenance.	600,000
14	Point Molate	Provide for park and public safety personnel to develop, operate and maintain future park facilities and the San Francisco Bay Trail.	2,350,000

Commitment List and Proposed Use of Funds

Line #	Location	Commitment	Total Allocation
15	Point Pinole	Provide for shoreline protection through natural systems at Dotson Family Marsh. Enhance habitat of native grasses and other species. Improve visitor use facilities and San Francisco Bay water access. Increase educational and recreational programming to serve the surrounding communities.	3,450,000
16	Redwood	Expand partnership with Save the Redwoods League for ongoing redwood conservation. Increase interpretation of redwood natural history. Provide for creek restoration and erosion control for visitor safety and watershed health.	160,000
17	Roberts	Expand partnership with Save the Redwoods League for ongoing redwood conservation. Increase interpretation of redwood natural history.	60,000
18	Safe Healthy Forests	Continue sustainable forest management practices consistent with the approved Wildfire Hazard Reduction and Resource Management Plan to lessen the potential for wildland urban interface wildfire. Develop a redwood forest management plan. Provide for stewardship of natural vegetation to improve forest health.	14,200,000
19	Sibley/ Huckleberry/ Claremont	Enrich natural habitat for threatened pallid manzanita and other vegetation with increased stewardship efforts. Upgrade the Bay Area Ridge Trail for improved watershed health and trail safety. Increase park personnel.	1,125,000
20	Sobrante Ridge	Enrich natural habitat for threatened pallid manzanita and other vegetation through stewardship efforts.	75,000
21	Temescal	Improve water quality, habitat and recreational swimming experience at Lake Temescal with efforts such as dredging. Provide for erosion control to benefit watershed health and recreational trail safety.	1,500,000

Commitment List and Proposed Use of Funds

Line #	Location	Commitment	Total Allocation
22	Tilden	Restore recreational trails for erosion control and sensitive habitat protection. Improve access and pedestrian safety at the Brazil Room and Botanical Garden Visitor Center. Begin design planning for park-wide improvements at visitor use facilities such as the Environmental Education Center, Little Farm and Botanical Garden Visitor Center.	200,000
23	Water Resources - Regional	Improve water quality across parklands with stewardship efforts for watershed protection and preservation of shorelines, marshes, lakes, riparian areas and urban creeks. Manage harmful algae blooms for improved visitor and wildlife health. Increase water supply in preparation for climate related weather events with facilities such as rainwater collection systems. Install additional water bottle filling stations throughout region.	4,800,000
24	Wildcat Canyon	Improve protection of Wildcat Creek watershed by mitigating erosion. Enhance and restore natural habitat throughout park. Increase ADA trail access and safety for visitors.	150,000
Allocations TOTAL			59,130,000
10% Contingency TOTAL			6,600,000
TOTAL			65,730,000

EAST BAY REGIONAL PARK DISTRICT

STATEMENT REGARDING THE ANNUAL APPROPRIATIONS LIMIT AND ACCOUNTABILITY MEASURES FOR COMMUNITY FACILITIES DISTRICT NO. A/C-3

On June 5, 2018, the Board of Directors of the East Bay Regional Park District adopted a resolution entitled “A Resolution of the Board of Directors of the East Bay Regional Park District, California, Declaring the Formation of a Community Facilities District East Bay Regional Park District Community Facilities District No. A/C-3” (“Resolution of Formation”). Subject to voter approval, the Resolution of Formation authorized the levy of a special tax on property within CFD No. A/C-3 and preliminarily established an appropriations limit for CFD No. A/C-3, all pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, Sections 53311 and following of the California Government Code (the “Act”).

If voters approve Measure __, the initial annual appropriations limit for the CFD, as defined by Article XIII B, section 8(h) of the California Constitution, shall be an amount equal to \$3,300,000. The amount of the appropriations limit will be adjusted annually in accordance with the applicable provisions of the Act and the California Constitution while the special tax is in effect.

Pursuant to Section 50075.1 of the California Government Code, the following accountability provisions are included in the measure: (a) the facilities and services that may be financed with the special tax and the incidental costs thereof, all as defined in the Resolution of Formation, constitute the specific purposes of the special tax; (b) the proceeds of the special tax shall be applied only to the specific purposes identified in (a) above; (c) there shall be created special account(s) or funds(s) into which the proceeds of the special tax shall be deposited; and (d) there shall be caused to be prepared an annual report regarding the special tax funds pursuant to Section 50075.3 of the California Government Code.