



COUNTY OF SAN MATEO
Inter-Departmental Correspondence

County Counsel

DATE: July 24, 2002

BOARD MEETING DATE: August 6, 2002

TO: Honorable Board of Supervisors
FROM: County Counsel
SUBJECT: Advisory Election Regarding the Extension of the Boundaries of the Midpeninsula Regional Open Space District

RECOMMENDATION: Consider (1) Accepting a Gift of Funds to Offset Costs Incurred in an Advisory Election Regarding the Extension of the Boundaries of the Midpeninsula Regional Open Space District and (2) Adoption of a Resolution Calling an Advisory Election Regarding the Extension of the Boundaries of the Midpeninsula Regional Open Space District.

BACKGROUND:

In 1998, the Midpeninsula Regional Open Space District placed an advisory measure on the ballot asking certain voters in San Mateo County as to whether the Midpeninsula Regional Open Space District should extend its boundary west of Skyline Boulevard to the San Mateo County Coast, from the southern boundary of Pacifica to the Santa Cruz County line. The majority of voters voted in favor of the advisory measure. The total vote count on the measure was 9,679, with 5,300 "yes" votes and 4,379 "no" votes. This total vote count can be broken down into the following four geographic areas: north of Half Moon Bay had 1,964 "yes" votes and 1,085 "no" votes; Half Moon Bay and vicinity had 1,385 "yes" votes and 1,453 "no" votes; the mountain area had 282 "yes" votes and 245 "no" votes; and the south coast area had 161 "yes" votes and 308 "no" votes. In addition, a total of 2,796 absentee ballots were cast with 1,508 "yes" votes and 1,288 "no" votes.

On June 13, 2002, the Midpeninsula Regional Open Space District issued a draft environmental impact report containing alternative geographic annexation areas as a preliminary step in its application process to annex certain territory to the Midpeninsula Regional Open Space District to be ultimately considered by San Mateo County Local Agency Formation Commission ("LAFCO"). Prior to being submitted to the San Mateo County LAFCO, the Midpeninsula Regional Open Space District will first need to adopt a resolution and submit an application to annex the territory. Currently, the draft environmental impact report is still being reviewed. Because Santa Clara County contains a majority of the assessed value of the District's territory, the Santa Clara County LAFCO

would ordinarily be the body that would hear the application. However, the Santa Clara LAFCO has agreed to have the application referred to the San Mateo County LAFCO for a hearing and a decision after Santa Clara LAFCO first hears the matter. If San Mateo County LAFCO approves the proposal, there is then a majority protest procedure which could lead to a binding vote if more than 25% of the registered voters protest.

The Pescadero Municipal Advisory Council is of the opinion that since the 1998 advisory election, much of the available "at risk" lands located in the south coast area have been protected as open space. The Pescadero Municipal Advisory Council has requested the Board of Supervisors to place on the November 5, 2002 ballot an advisory measure asking the voters south of the City of Half Moon Bay and west of Skyline Boulevard if that territory should be included within the boundaries of the Midpeninsula Regional Open Space District.

Members of the Pescadero Municipal Advisory Council have indicated that funding could be raised from members of the south coast community to donate to the County to offset the costs of the advisory election.

DISCUSSION:

Elections Code §9603 authorizes the County to hold, at its discretion, an advisory election for the purpose of allowing voters within the jurisdiction, or a portion thereof, to voice their opinions on substantive issues, or to indicate to the local legislative body approval or disapproval of the ballot proposal. An advisory measure is not binding. The resolution submitted for your consideration calls an advisory election in the area located west of Skyline Boulevard to the San Mateo County Coast and south of the City of Half Moon Bay to the Santa Cruz County line. The measure would ask those voters if they want that south coastside territory, to the extent it is not currently a part of the District, to be included within the boundaries of the Midpeninsula Regional Open Space District.

The Elections Division initially estimated that the proposed advisory election could cost as much as \$2.00 per voter. The Division has reduced that figure and currently estimates the total cost of the advisory election to be approximately \$2,900. Government Code §25355 authorizes the Board of Supervisors to accept or reject any gift made to the county for any public purpose.

FISCAL IMPACT:

If the gift of funds is not accepted, the election will cost approximately \$2,900.

VISION ALIGNMENT:

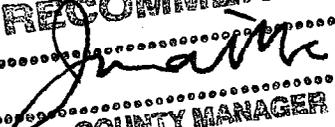
The vision goal achieved by these resolutions is the goal that residents express their support for regional, collaborative approach to issues.



THOMAS F. CASEY III, COUNTY COUNSEL

cc: John L. Maltbie, County Manager
Warren Slocum, Assessor-County Clerk-Recorder

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RECOMMENDED

COUNTY MANAGER