




**EAST BAY REGIONAL PARK DISTRICT
BOARD OF DIRECTORS MEETING
AGENDA STAFF REPORT**

DATE	October 15, 2024
TITLE	Recommendation to Support Proposition 5: Local Bonds for Affordable Housing and Public Infrastructure with 55% Voter Approval
DIVISION	General Manager's Office
FROM	Erich Pfuehler, Chief of Government and Legislative Affairs Dr. Ana M. Alvarez, Deputy General Manager
APPROVED	Sabrina Landreth, General Manager 

RECOMMENDATION

The General Manager recommends the Board of Directors support Proposition 5 authorizing Local Bonds for Affordable Housing and Public Infrastructure with 55% Voter Approval.

BACKGROUND

Proposition 5 would modify the voter threshold needed to approve local revenue enhancement and bond measures from the current 2/3rds to 55%. This proposition will appear on the November 5, 2024 as a result of ACA I (Aguiar-Curry D-Winters) being modified by ACA 10 (Aguiar-Curry D-Winters) which was Chaptered by the Secretary of State on June 27, 2024. It passed the Assembly by 68.4% and Senate by 77.5%, thus meeting the 2/3rds requirement to pass the legislature. This amendment to the California Constitution also requires 50% + 1 approval by the voters. This amendment is patterned after the thresholds required for local school bonds. Prop. 5 contains many safeguards to protect taxpayer investments including:

- Funds generated need to be for the construction, reconstruction, rehabilitation, or replacement of public infrastructure or affordable housing projects.
- Local spending plans must specify projects and scope of investment.
- Annual and publicly accessible audits of funds generated.
- Appointment of a citizen's oversight committee to oversee expenditures.

The amendment also states that if approved it would apply to any relevant local bond measures also on the ballot on November 5, 2024.

The East Bay Regional Park District (Park District) took a support position on ACA I with resolution 2023-10-206 on October 3, 2023.

ANALYSIS

The amendment defines affordable housing as "housing developments, or portions of housing developments, that are affordable to individuals, families, seniors, people with disabilities, veterans, or first-time homebuyers, who are lower income households or middle-income households earning up to 150 percent of countywide median income, as those terms are defined in state law." Affordable

housing would also include down payment assistance programs, first-time homebuyer programs, permanent supportive housing and facilities used to serve residents of affordable housing. Public infrastructure includes “facilities for the delivery of public services, including education, police, fire protection, parks, recreation, open space, emergency medical, public health, libraries, flood protection, streets or highways, public transit, railroad, airports and seaports.” It also includes water quality, sanitation, treatment of wastewater, protection of property from sea level rise, projects identified by the State or local government for recovery from natural disaster and equipment related to fire suppression. Special Districts are eligible to incur bonded indebtedness under this amendment’s 55% threshold.

The inclusion of Special Districts, parks and recreation facilities and open space would enable the Park District to enact bond measures by 55% of the vote for infrastructure. Visitor use facilities could be built, improved or enhanced by the funding. Specifically, “for the construction, reconstruction, rehabilitation or replacement of public infrastructure, ... or the acquisition or lease of real property for public infrastructure.” Given the language of the proposition, deferred maintenance, land acquisition and sea level rise resilience could all potentially fall under the umbrellas of infrastructure rehabilitation/replacement/reconstruction of public infrastructure and/or acquisition for public infrastructure. Funds could also be used for fire suppression, emergency response and interoperable communications equipment. Additionally, funds could likely be used for nature-based infrastructure projects which build resilience to sea level rise. The Park District has historically exceeded 55% when it has advanced ballot measures. Proposition 5 would be a net benefit for enacting future Park District bond measures.

FISCAL IMPACT

None.

ATTACHMENTS

Resolution.



**EAST BAY REGIONAL PARK DISTRICT
RESOLUTION NO. 2024 – 10 -
OCTOBER 15, 2024**

**RECOMMENDATION TO SUPPORT PROPOSITION 5: LOCAL BONDS FOR
AFFORDABLE HOUSING AND PUBLIC INFRASTRUCTURE WITH 55% VOTER
APPROVAL**

WHEREAS, the East Bay Regional Park District (Park District) strives to engage on legislative actions in alignment with its identified key advocacy goals including wildfire resilience, sea level rise preparedness, community health, ecosystem stewardship, green jobs, welcoming visitor use facilities and climate-friendly transportation; and

WHEREAS, across all identified focus areas, overarching principles include equitable service delivery, advancing climate resiliency adaptation and mitigation, guiding work with an environmental ethic, supporting inclusive interpretation and educational opportunities, increasing conservation through land acquisition, and ensuring the fiscal health of the Park District; and

WHEREAS, Proposition 5 would modify the voter threshold needed to approve local revenue enhancement and bond measures from the current 2/3rds to 55% as patterned after the thresholds required for local school bonds; and

WHEREAS, Proposition 5 contains many safeguards to protect taxpayer investments.

NOW, THEREFORE BE IT RESOLVED, the Board of Directors of the East Bay Regional Park District hereby support Proposition 5 – Local Bonds for Affordable Housing and Public Infrastructure with 55% Voter Approval as presented to the Board on October 15, 2024; and

BE IT FURTHER RESOLVED, that the General Manager is hereby authorized and directed, on behalf of the Park 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 Director _____, and seconded by Director _____, and
adopted October 15, 2024, by the following vote:

FOR:

AGAINST:
ABSTAIN:
ABSENT: