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10 Half Moon Bay Coastsides Foundation aka
11 Save Our Bay, Oscar Braun, Andrea Braun,
12 and H. John Plock, Jr.

ENDORSED FILED
SAN MATEO COUNTY

JUL 22 2004

Clerk of the Superior Court
By SANDRA HARRIS
DEPUTY CLERK

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN MATEO
UNLIMITED JURISDICTION

11 HALF MOON BAY COASTSIDE
12 FOUNDATION aka SAVE OUR BAY,
13 OSCAR BRAUN, ANDREA BRAUN and
14 and H. JOHN PLOCK, JR.,

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Petitioners,

vs.

17 SAN MATEO COUNTY LOCAL AGENCY
18 FORMATION COMMISSION, and DOES 1
19 through 200, inclusive,

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Respondent,

21 MID-PENINSULA REGIONAL OPEN
22 SPACE DISTRICT,

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Real Party in Interest.

Case No. CIV 439808

**DECLARATION OF OSCAR BRAUN IN
SUPPORT OF EVIDENTIARY HEARING**

[Government Code §56000 et seq.]
[Code Civ. Proc. 1085]

Date: July 22, 2004

Time: 9:00 a.m.

Place: Dept. 23

I, OSCAR BRAUN, hereby declare and state:

1. I am the co-founder and Executive Director of Half Moon Bay Coastsides Foundation aka Save Our Bay. Among my many duties, I am charged with leading

1 due diligence review of proposed projects in the Coastal Zone of San Mateo
2 County. My EIR due diligence review mission is to inform the public and its responsible
3 officials of the environmental consequences of their decisions before they are made. The
4 EIR process protects not only the environment but also informed self-government.

5 2. I have been actively involved in the San Mateo LAFCo MROSD Annexation
6 and Request for Reconsideration process. [San Mateo LAFCo Resolution No. 960,
7 adopted April 7, 2004, File 03-10, Sphere of Influence Amendment of MROSD and
8 Annexation of the San Mateo County Coastal Area (140,000 acres)].

9 3. Martha Poyatos, LAFCo Executive Director, has provided information,
10 direction, and guidance with regard to issues and legal requirements for the MROSD
11 annexation and reconsideration process.

12 4. I observed numerous irregularities and inconsistencies in LAFCo's application of
13 policies, procedures and legal requirements with respect to the MROSD annexation and
14 protest process.

15 5. Attached hereto and marked as Exhibit "A" is a true and correct copy of my letter
16 dated February 24, 2004, to Martha Poyatos, LAFCo Executive Director, documenting
17 errors and omissions in MROSD's annexation application.

18 6. Attached hereto and marked as Exhibit "B" is a true and correct copy of Save
19 Our Bay's Request for Reconsideration dated May 4, 2004, filed with LAFCo and
20 submitted pursuant to Government Code § 56985.

21 7. Attached hereto and marked as Exhibit "C" is a true and correct copy of Save Our
22 Bay's Addendum to Request for Reconsideration dated May 31, 2004, filed with LAFCo.

23 8. I declare under penalty of perjury under the laws of the State of California that the
24 foregoing is true and correct.

25 Dated: July 21, 2004.

26
27 

28 OSCAR BRAUN

EXHIBIT “A”

*"Change is inevitable...
Survival is not."*

**Oscar Braun
1589 Higgins Canyon Road
Half Moon Bay, CA 94019**



February 24, 2004

Ms. Martha Poyatos
Executive Director
San Mateo County Local
Agency Formation Commission
455 County Center, 2d Floor
Redwood City, CA 94063-1663

**Re: LAFCo File scope of Influence Amendment of the
Midpeninsula Regional Open Space District (MROSD) and
annexation of the San Mateo County Coastal Area (140,000
acres).**

Dear Ms. Poyatos:

I write to notify LAFCo San Mateo that the application submitted by MROSD is incomplete, and I, therefore, request that the application be re-opened so that the public may review and comment on the complete application. Specifically and notably, MROSD has failed to include critical historical and financial information which must be part of the record to be determined by LAFCo San Mateo. "Informed consent" is critical to the LAFCo application process, and the record must contain sufficient evidence to support LAFCo's findings on the statutory factors.

At page 2 of your LAFCo "Status Report" dated January 14, 2004, you describe the scope of your analysis of MROSD application: "Analysis will include environmental and fiscal impacts, factors that must be considered pursuant to Government Code Section 56668 and 56668.3, consistency with county general plan and local coastal program and consistency with State LAFCo law and local LAFCo policy."

Analysis of the following matters should be included in the record. LAFCo San Mateo cannot do its job if the applicant withholds necessary information. The Half Moon Bay Coastsides Foundation a.k.a. Save Our Bay respectfully submits that LAFCo San Mateo is statutorily required to state that application is incomplete, and to re-open the application.

1. MROSD IS ATTEMPTING TO HIDE ITS PAST ATTEMPTS TO AVOID CEQA REVIEW OF HAZARDOUS WASTE ON ITS LANDS.

LAFCo's review of the application must include an analysis of MROSD's past lands practices, in order to satisfy the Government Code requirements set forth in Government Code sections 56668 and 56668.3, including but not limited to sections 56668(e) and (e), and Section 56668.3(a)(1).

MROSD's application fails to make any mention of its past land management practices in Santa Clara County. Consideration of such practices is critical to an understanding of the likely financial and service-related impacts of the current proposal. One glaring example of this deficiency in the application is set forth in an opinion by the Court of Appeal for the Sixth District of California, which we attach here for reference.

In *McQueen v. Board of Directors of the Midpeninsula Regional Open Space District* (1988) 202 Cal.App.3d 1136 (a copy of which is attached), the Sixth District Court of Appeal reviewed an attempt by the same MROSD in the late 1980's to avoid judicial review under the California Environmental Quality Act (CEQA) for polluted property in Santa Clara County. In 1986, this same MROSD sought to purchase a parcel of surplus federal property in Santa Clara County consisting of a former Air Force station on Mount Umunhum and a ground air transmitter receiver site one mile east of the summit of Mount Thayer. The property contained transformers which were filled with polychlorinated biphenyls (PCBs), and the site was so contaminated with toxic materials that a complete cleanup was far from complete over ten years later.

The *McQueen* opinion shows that MROSD failed to notify neighboring landowners about the PCB problem, and instead proceeded to attempt to apply a categorical exemption from CEQA review. The plaintiff, Mr. McQueen, who happened to be an adjacent landowner, brought a petition for writ of mandate asserting that MROSD had failed to comply with CEQA. MROSD's counsel argued that it was too speculative to determine what would be done with the toxics on the sites because MROSD had not identified a plan of action. (This argument was strikingly similar to MROSD's argument today that the environmental impacts of future acquisitions, no matter how likely or imminent, are too speculative for CEQA review at this time.)

The Court of Appeal held that MROSD employed an incomplete and misleading description of the project, and impermissibly divided the project into segments to avoid judicial review. The Court of Appeal also held that MROSD's position that any plans for the property were speculative was unfounded because

MROSD appeared to have a plan, even though it was unstated in the written plan documents. *McQueen, supra* at 1146.¹

Aside from its attempt to avoid judicial review of its environmental and land use policies, the *McQueen* episode should concern LAFCo San Mateo because MROSD tried to hide environmental contamination from its neighbors. LAFCo needs here to consider the effect of the annexation on the present and future landowners within the annexation area. Government Code section 56668.3(a)(1). Without a full disclosure of MROSD's past land use practices, LAFCo cannot adequately consider the fiscal and environmental effects of the annexation, or determine if the application is consistent with applicable laws, policies and plans.

It is also telling to note that MROSD has changed the name of the project. Prior to the LAFCo application, MROSD called this project the San Mateo Coastal Annexation Project. However, the application itself now refers to the project as the Coastside Protection Program.² This subtle change appears to be another attempt to deceive the public about the nature of the project. To change the name of the project midstream to a non-descriptive title is sure to deceive or divert the attention of some of the public from the issues at hand. A democracy depends on educated constituents. False information and lack of access inherently subvert democracy.

2. THE APPLICATION MUST BE RE-OPENED SO THAT FISCAL IRREGULARITIES CAN BE ANALYZED AND REMEDIED.

There are several irregularities concerning the fiscal information provided in support of the annexation proposal.

First, Terry Flinn, Deputy Assessor of San Mateo County has acknowledged that there are "discrepancies in the assessed value that was

¹ It is no secret that the Half Moon Bay Coastside Foundation a.k.a. Save Our Bay has brought an action under the CEQA, challenging the sufficiency of the EIR certified by MROSD for this project. In the CEQA action, we assert that MROSD is again, attempting to do the same sort of piecemealing and deception about its true plans in an order to avoid judicial review, that it tried and failed to do in Santa Clara County. Petitioners will show that MROSD's game of 'hide the ball' renders its analysis of impacts and mitigation measures inadequate to pass CEQA review. Although LAFCo is bound to presume the validity of the EIR for purposes of the LAFCo application under 14 C.C.R. §§ 15231 and 15233, the LAFCo analysis will include an analysis of environmental impacts (See your January 14, 2004 Status Letter, referenced above).

² The phrase "Coastside Protection Program" does not appear even once in the 7700 page administrative record prepared by MROSD to support its EIR certification.

Ms. Martha Poyatos
February 24, 2004
Page 4

reported to LAFCo." The assessor's office promises to send amended information, but the public is presently in the dark about the nature and extent of the discrepancy.

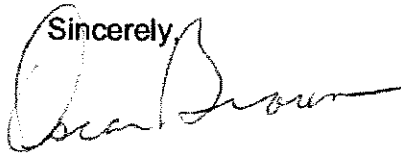
The Public and LAFCO has the right to know what the fiscal irregularities are and how they will impact the project. The application needs to be re-opened so that these matters may be resolved.

3. WHAT ABOUT THE OIL FIELDS IN THE ANNEXATION AREA?

There is no mention whatsoever of the presence of oil fields on the annexation area. In fact, the entire footprint of the project annexation area sits atop oil reserves. Please see the attached discussion of a USGS report discussing these fields.

There are many questions which must be answered about the oil fields. What is the effect on the oil fields on the property values in the area? Are there cleanup costs to consider? What is the net loss or gain of resource costs involved in annexing an area with such a resource?

In conclusion, The Half Moon Bay Coastsides Foundation a.k.a. Save Our Bay requests that the application of the MROSD be re-opened. The record must be complete for a LAFCo determination to be valid.

Sincerely

Oscar Braun

Attachments
cc: For Circulation To All Affected Agencies

EXHIBIT “B”

"Change is inevitable...
Survival is not."



May 4, 2004

Martha Poyatos
Executive Officer
San Mateo LAFCO
555 County Center
Redwood City CA 94063

RECEIVED

2004 MAY -4 A 10:50

SAN MATEO COUNTY
PLANNING DIVISION

Statutory Request for LAFCO to Reconsider Approving the Annexation of the San Mateo Coastal Area to the Mid-peninsula Regional Open Space District

Dear Commissioners:

It is requested that the San Mateo LAFCO, reconsider its resolution adopted on April 7 approving the Annexation of the San Mateo County Coastal Area to the Mid-peninsula Regional Open Space District (District). This request is submitted pursuant to Government Code Section 56985.

Request for rescission or reduction of approved annexation

The specific modification to the resolution of approval that is being requested is either rescission of the approval in its entirety, or substantially reducing the annexation area to those properties that are presently owned in fee by the District.

There are several bases for this request that constitute new or different facts that could not have been previously presented and which warrant reconsideration. These are summarized below.

No further action until the commission considers this request

It is my understanding that you are directed by this statute not to take any further action until the Commission acts on this request.

I also understand that you are required to place this request on the agenda of the next meeting of the Commission for which notice can be given. I read Section 56985(e) as stating that you shall give notice of the reconsideration in the same manner as notice was given for the original proposal and that, in addition, you may give notice in any other manner you choose

Fatal flaw under CEQA

The "project" considered by LAFCO is the annexation to the District. There are no other actions or entitlements for use. In fact, the District forswears any knowledge of even what parcels it would intend to acquire after the annexation is completed. The changes in the Government Code that establish LAFCO as the "conducting authority" have changed the role of the District for this annexation so that it can not legally serve as either the lead agency or as a responsible agency.

The fact that the Commission would rely on the environmental document prepared by the District, when it was not authorized to act as the lead agency, was not known until after the Commission acted and constitutes new or different facts.

The Commission has no choice but to declare the applicant District's Coastsides Protection Program EIR null and void for purposes of this annexation. In addition, we are formally requesting that San Mateo County LAFCO notify the Santa Clara Superior Court that their Commission illegally transferred the role of

Martha Poyatos
May 3, 2004
PAGE 2 OF 4

"lead agency or responsible agency" to the applicant District and that they have adopted a finding declaring the District's Program EIR null and void.

The District has NO legal standing that empowers it to act as lead agency or responsible agency for this annexation under the Public Resources Code or the Government Code that establishes LAFCO as the "conducting authority" by the Cortese/ Knox/Hertzberg Local Government Reorganization Act of 2000.

Lack of data regarding inflated acquisition costs

Although information was disclosed to staff and legal counsel prior to the Commission hearing, this data did not find its way into the staff report and therefore did not become part of the public record. This data concerns the true costs to the public for the District to acquire various pieces of land.

The LAFCO commissioners and public should have been provided a copy of the Ron Sturgeon San Mateo County Civil Grand Jury referral regarding the Coastal Conservancy November 2002 funding grant to the District for the transfer of Rancho Miramontes lands from POST at 400% inflated market value of \$4.2 million. The public record indicates that POST acquired Rancho Miramontes in 1997 with an assessed market value according to the Assessor-County Clerk-Recorder for the County of San Mateo (best & highest use) of \$1 million.

At the very least, reference to Grand Jury reports and disclosure of purported land appreciation values between the time they were acquired by POST in 1997 and the District in 2002, would be crucial to the Commission's consideration of the reasonableness of this proposed annexation. How do POST's undeveloped open space lands appreciate 400% in less than five years? Why should taxpayers pay POST and MROSD multiple times over inflated prices for the same lands that are being transferred between Coastal Open Space Alliance (COSA) partners of record? Are POST and the District running a real estate Ponzi scheme here in San Mateo County with Proposition 12, 13, and 40 and Congressional funding boondoggles? How much more will occur after the annexation is completed? Are these RICO activities?

The Save Our Bay Foundation requests that the San Mateo County's Controller's Office perform a comprehensive fiscal analysis and audit of the District's and POST's real estate transactions in San Mateo County "prior" to and as part of a reconsideration of the reorganization.

The Board of Supervisors, County Counsel, and District Attorney's office must recuse themselves from this Whistle Blower referral for an audit of the District and POST in order to prevent a clear conflict of interest or appearance of conflict of interest with the non-independent LAFCO controlled by the San Mateo County Board of Supervisors.

Too cozy a relationship between the LAFCO staff and the County organization

There is apparently no separation between the LAFCO staff, that is supposed to be independent, and the County staff. Even your Commission's web page shows LAFCO as part of the County's Environmental Services Agency. The Commission staff distributes reports in manila envelopes a return address of the "County Planning and Building Division."

How can the Commission expect to receive free and unbiased information when the LAFCO staff are County employees and considered to be part of a County agency? This is contrary both to the concept of

an independent LAFCO and the amendments in the law brought about by the Cortese/Knox/Hertzberg Local Government Reorganization Act of 2000.

This lack of independence and representation for the Coastal area is further evidenced by the fact that San Mateo County is the only county out of fifty eight counties that entered the 21st Century electing their Supervisors at large rather than by districts they are assigned to represent.

We thought the LAFCO staff would provide full disclosure and not hide this relationship at the hearing on the proposed annexation from the public. We are requesting full disclosure of the relationship of all Commissioners and staff with the County of San Mateo as part of the official record of the proceeding.

Identification of parcels owned by the District in the annexation area and District history

There was no identification of the parcels already owned by the District within the annexation area, despite the request that these facts be disclosed. This information itself may have been influential in the hearing to support the "reduced annexation area" option or the "no annexation" option by showing the District is able to acquire lands without prior annexation.

The boundary maps provided by the District for their LAFCO application are inaccurate according to a December 16, 2003 audit by the Assessor's office. The applicant District must present LAFCO and the public boundary maps with accurate cartography certified by Warren Slocum, Chief Elections Officer, & Assessor-County Clerk-Recorder for the County of San Mateo.

The LAFCO staff did not disclose to the Commissioners or public the District's history of policies or practices regarding the concealment of information regarding toxics (PCB's) from their neighbors in Santa Clara County or violating the California Environmental Quality Act i.e. *McQueen v. MROSD Board of Directors*.

The LAFCO staff did not report to the Commissioners or public the District's Administrative Record (AR) disclosure that the District long established pattern of using Federal and State "tax avoidance schemes" when acquiring privately held lands from "willing sellers". The Save Our Bay Foundation has requested that the IRS investigate and audit the District and all Coastal Open Space Alliance (COSA) members financial and administrative records to see if the COSA enterprise have not violated their Federally granted tax exempt status. The Foundation will provide searchable pdf copies of the Districts AR and the Ron Sturgeon Civil Grand Jury referral of November 2002 to all investigating agencies and Congressional committees looking into what appears to be pattern of RICO activities.

The LAFCO staff and legal counsel concealed from the Commission and public the fact that the California Court of Appeal found in *McQueen v. MROSD Board of Directors*, that the EIR was incomplete and misleading and clearly concealed the risks to the environment and public's health and safety. Neither the District nor POST have disclosed the value of their oil, mineral and timber resources or the potential cost to remediate their toxic polluted illegal landfill holdings in San Mateo County.

All of this should have been part of the record of the LAFCO hearing and was not presented, which constitutes a violation of the obligation to provide an informed, fair and balanced public record.

The District's false declaration that they have implemented a substantial "vegetative fuel management plan" in compliance with the California Fire Plan in their Program EIR has been shown to be without any factual basis by the FireWise 2000 consultant retained by the District. The District's 48,000 acres, without an implemented state mandated vegetative fuel management plan, poses the greatest risk for a

Martha Poyatos
May 3, 2004
Page 4 of 4

catastrophic wildfire that, according to a State Auditors report, could shut down our Hetch Hetchy regional water system on the Peninsula for four to eight weeks.

The District's fatally flawed Program EIR did not disclose to the Commission or public the fact that the District's current lands contain over 300,000 feral pigs (State Fish & Game statistic) that are destroying the entire S.F. Peninsula watershed while spreading invasive pathogens such as "sudden death oak". The District's abatement efforts claim to have trapped approximately 200 pigs in the last three years. According to the National Invasive Species Management Plan, 90% of all feral pigs are on public lands. These feral pigs cause over \$2.4 billion of damage to the California watershed and agriculture per year.

This information should have been part of the record of the LAFCO hearing and was not presented by the LAFCO staff, preventing an informed, fair and balanced public record for the Commission.

In closing, please note that the Commission's decision to strictly limit the ability of the public to provide useful testimony at the hearing, especially limiting individuals from providing information more than once, despite the fact that the hearing was held on different dates, restricted the ability to bring these and other pertinent facts to light at the hearings.

We look forward to the ability to expound upon these concerns when the Commission reconsiders its prior approval. Please provide our Foundation with a notice of that meeting. Thank you.

Sincerely,



John Plock
Chairman, Board of Directors

CC. Honorable Arnold Schwarzenegger, Governor of California
Honorable Dianne Feinstein, U.S. Senator
Honorable Barbara Boxer, U.S. Senator
Honorable Charles Grassley, U.S. Senator, Chair, Senate Budget Committee
Honorable Richard Pombo, U.S. Congressman, Chair, Congressional Resource Committee
Honorable John Ashcroft, U.S. Attorney General
Honorable Thomas Ridge, U.S. Secretary of Homeland Security
Honorable Norman Mineta, U.S. Secretary of Transportation
Frank Iwama, Governmental Affairs Director, Save Our Bay Foundation
Mimi Iwama, Communications Director, Save Our Bay Foundation

EXHIBIT “C”

May 31, 2004

Martha M. Payotos
Executive Officer
San Mateo LAFCo
555 County Center, 2nd Floor
Redwood City, CA 94063-1663

RECEIVED

2004 JUN -1 A 8:33

SAN MATEO COUNTY
PLANNING DIVISION

"Change is inevitable...
Survival is not."



Re: Addendum to Statutory Request for LAFCo to Reconsider Approving the
Annexation of the San Mateo County Coastal Area to the Mid-peninsula Regional
Open Space District, filed May 4, 2004

Dear Commissioners:

This letter is an Addendum to the above-referenced Request for Reconsideration filed May 4, 2004, of San Mateo LAFCo Resolution No. 960, adopted April 7, 2004, approving File 03-10 - Sphere of Influence Amendment of the Mid-peninsula Regional Open Space District (MROSD) and annexation of the San Mateo County Coastal Area (140,000 acres). This Addendum is filed pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.¹

**I. Requested Modification of San Mateo LAFCo Resolution No. 960:
Rescission and/or Revocation**

Based on the facts and information pertinent to this matter and for the reasons set forth herein, it is requested that LAFCo rescind and/or revoke Resolution No. 960, adopted on April 7, 2004, which approved and ordered the following:

1. Amendment of the Sphere of Influence of MROSD to include the Coastal Annexation Area as shown in Exhibit A attached to the Resolution; and,
2. Annexation application of MROSD (LAFCo File 03-10 - Proposed Sphere of Influence Amendment of MROSD and annexation of the San Mateo County Coastal Area), as shown in Exhibit A attached to the Resolution.

II. Statement of New or Different Facts that Could Not Have Been Presented Previously: MROSD Severely Impacted by the State's Fiscal Crisis and the Governor's Proposed Budget Plan; MROSD's Prospective Inability to Comply with LAFCo Conditions of Approval (Exhibit D)

Subsequent to the adoption of Resolution No. 960 on April 7, 2004 by San Mateo LAFCo, and the filing of the Request for Reconsideration on May 4, 2004, serious fiscal issues regarding the sufficiency of MROSD's revenues required and necessary to service the annexed San Mateo County Coastal Area has arisen warranting reconsideration by LAFCo.²

¹ Government Code §56895(a), relating to reconsideration, provides in pertinent part: "The request shall state the specific modification to the resolution being requested and shall state what new or different facts that could not have been presented previously are claimed to warrant the reconsideration."

² Government Code §56668 (j), relating to factors to be considered, provides: "The ability of the newly formed or receiving entity to provide the services which are the subject of the application to the area,

A. MROSD's Revenue Problems

On May 13, 2004, over five-weeks after San Mateo LAFCo's adoption on April 7, 2004 of Resolution No. 960, Governor Schwarzenegger released his two-year May Revision FY 2004 – 2005 State budget plan. MROSD's budget, not unlike many other state and local government agencies, suffered a \$5 million annual cut under the Governor's budget plan. The chances of MROSD having takeaway funds reinstated in the final State budget is extremely unrealistic. (Open space land conservation is important but so is public funding for competing special districts, including schools, law enforcement and fire, and public transportation.)

According to MROSD's Budget for FY 2004-2005, \$5 million amounts to 56.68% of its annual Operating Expenses (\$8,821,696).³ In addition, the MROSD Budget for FY 2004-2005 projects Grant Income at \$4,037,000, a geometric increase of 619.61% over the \$561,000 reported in the previous year's budget.

In addition to the State funding issue, MROSD, on June 6, 2003, made a determination and adopted a "Resolution of Determination of No Property Tax Exchange" (no property tax transfer or exchange) from any local agency, whether city, county, or special district, in connection with the annexation of the Coastal Annexation Area. (MROSD Resolution No. 03-21). Will MROSD ignore the resolution and appeal to the voters for additional tax revenues?

The issue of MROSD's "sufficiency of revenues" to service the San Mateo County Coastal Area (140,000 acres) is seriously in doubt. What is the rush to approve the MROSD's annexation when there are legitimate questions about its current ability to properly manage existing open space lands?⁴ Resource management is directly related to MROSD's questionable fiscal condition.

**B. San Mateo LAFCo's Conditions of Approval (Exhibit D)
Requiring Additional MROSD Expenditure of Funds**

During the campaign for the approval of the Coastal Protection Plan, MROSD made promises and entered into binding agreements requiring fiscal commitments, including the following conditions imposed by LAFCo for approval of MROSD's Sphere Amendment and Annexation Application:

1. Condition 2: Agreement between MROSD and San Mateo County for Fire Protection;
2. Condition 3: Agreement between MROSD and Pescadero La Honda Unified School District;
3. Condition 5: Amendment and Implementation of Good Neighbor Policy;
4. Condition 6: Ombudsperson; and
5. Condition 7: Agricultural Management Expertise.

including the sufficiency of revenues for those services following the proposed boundary change." (Emphasis added).

³ According to MROSD's Budget for FY 2003-2003, \$5 million amounted to 61.98% of its annual Operating Expenses. MROSD Budgets for FY 2003-2004 and FY 2004-2005, together with a summary analysis of MROSD's budget for the last two-years, are attached for your information and reference.

⁴ MROSD spends about \$3 million a year (25% of its operating budget) on resource management. The Almanac, "Open space district expansion to coast: charges and responses," March 31, 2004.

All of the conditions for approval imposed by LAFCo require MROSD's expenditure of additional funds for operating expenses and related costs.

C. **Chronology of Events: Compliance with Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Act)**

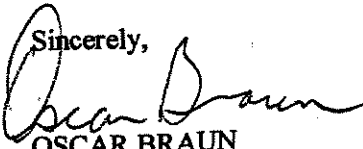
In case an issue is raised regarding Petitioner's (Save Our Bay) compliance with the time requirements of the Act, the following is the chronology of events in this matter:

1. **April 7, 2004**: San Mateo LAFCo adopts Resolution No. 960;
2. April 13, 2004: LAFCo mails and publishes Notice of Protest Hearing;
3. **May 4, 2004**: Petitioner timely files Request for Reconsideration;
4. May 11, 2004: LAFCo issues Notice of Public Hearing;
5. **May 13, 2004**: Governor issues May Revision to FY 2004 – 2005 State Budget Plan; (MROSD proposed budget cut: \$5 million annually for two-years);
6. May 26, 2004: MROSD Administration & Budget Committee Meeting: Agenda item: "Proposed Response to State Budget Cuts and the Reduction in Property Tax Income;"
7. May 26, 2004: MROSD Special and Regular Meeting: (most recent noticed board of directors meeting); No Agenda item re "Proposed Response to State Budget Cuts and the Reduction in Property Tax Income" issue; Cancellation of June 9, 2004 Regular Meeting;
8. June 2, 2004: LAFCo Public Hearing (Redwood City);
9. **June 11, 2004**: LAFCo Protest Hearing (Half Moon Bay); LAFCo: "Written protest must be submitted by conclusion of protest hearing."

III. **CONCLUSION**

For the foregoing reasons, Petitioner respectfully requests San Mateo LAFCo to **rescind and/or revoke Resolution No. 960** adopted on April 7, 2004, amending the sphere of influence of MROSD and approving annexation of the San Mateo County Coastal Area (140,000 acres).

Sincerely,


OSCAR BRAUN
Executive Director

MROSD BUDGET FY 2003-2004 and FY 2004-2005

Analysis of Budgetary Projections – MROSD Exhibit A

	<u>FY 2003-2004</u>	<u>FY 2004-2005</u>	<u>Increase/ Decrease</u>	<u>% Change</u>
I. REVENUES				
A. Tax Revenues	\$19,117,000	\$19,258,000	\$141,000	0.74%
B. Grant Income	\$561,000	\$4,037,000	\$3,476,000	619.61%
C. Interest Income	\$735,000	\$765,000	\$30,000	4.08%
D. Prop. Mgmt. – Rents	\$758,000	\$783,000	\$25,000	3.30%
<u>TOTAL REVENUES</u>	<u>\$21,371,000</u>	<u>\$25,043,000</u>	<u>\$3,672,000</u>	<u>17.8%</u>
II. <u>INCREASE IN RESERVES</u>	<u>(\$11,330,096)</u>	<u>(\$8,988,606)</u>	<u>(\$2,341,490)</u>	<u>-20.67%</u>
III. EXPENDITURES				
A. <u>Debt Service</u>				
1. Interest	\$4,162,740	\$4,395,677	\$232,937	5.60%
2. Principal	\$2,804,230	\$2,495,249	(\$308,981)	-11.02%
<u>Debt Service Subtotal</u>	<u>\$6,966,970</u>	<u>\$6,890,926</u>	<u>(\$76,044)</u>	<u>-1.09%</u>
B. <u>Salaries</u>				
1. Gen. Mgr. Appointees	\$4,512,635	\$4,930,224	\$417,589	9.25%
2. General Manager	\$138,557	\$144,100	\$5,543	4.00%
3. Legal Counsel	\$86,117	\$106,940	\$20,823	24.18%
(FT: FY 2003-2004; PT (80%): FY 2004-2005)		\$133,675	\$47,558	55.22%
4. Controller	\$15,000	\$16,500	\$1,500	10.00%
<u>Salaries Subtotal</u>	<u>\$4,752,309</u>	<u>\$5,197,764</u>	<u>\$445,455</u>	<u>9.37%</u>
C. <u>Benefits</u>	\$1,177,801	\$1,395,358	\$217,557	18.47%
D. <u>Director's Fees</u>	\$25,000	\$23,000	(\$2,000)	-8.00%
<u>Salaries and Benefits Subtotal</u>	<u>\$5,955,110</u>	<u>\$6,616,122</u>	<u>\$661,012</u>	<u>11.10%</u>
E. <u>Services and Supplies</u>				
1. Legal Services	\$85,000	\$118,000	\$33,000	38.82%
2. Regular Outside Services	\$116,700	\$116,703	\$3	00.0%
3. Contract Services	\$633,625	\$888,645	255,020	40.25%
4. Election Expense	\$0	\$50,000	\$50,000	
5. Library and Subscriptions	\$10,268	\$9,915	(\$353)	-3.44%
6. Mgmt. Agreements	\$50,000	\$50,000	\$0	0.00%
7. Rents and Leases	\$79,325	\$92,826	\$13,501	17.02%

	<u>FY 2003-2004</u>	<u>FY 2004-2005</u>	<u>Increase/ Decrease</u>	<u>% Change</u>
E. Services and Supplies (cont'd)				
8. Utilities	\$133,850	\$127,860	(\$5,990)	-4.48%
9. Postage	\$61,500	\$82,432	\$20,932	34.04%
10. Printing and Duplicating	\$31,750	\$32,250	\$500	1.57%
11. Insurance	\$87,100	\$88,558	\$1,458	1.67%
12. Advertising	\$16,000	\$8,550	(\$7,450)	-46.56%
13. Maps and Aerials	\$7,550	\$14,800	\$7,250	96.02%
14. Private Vehicle Expense	\$12,200	\$13,000	\$800	6.56%
15. District Vehicle Expense	\$172,000	\$175,692	\$3,692	2.15%
16. Business Meeting Expense	\$15,650	\$16,550	\$900	5.75%
17. Personnel Development	\$92,060	\$104,335	\$12,275	13.33%
18. Maint./Repair of Equipment	\$21,200	\$22,900	\$1,700	8.02%
19. Computer Expenses	\$41,110	\$37,520	(\$3,590)	-8.73%
20. Office Supp./Sm. Equipt.	\$24,950	\$25,250	\$300	1.20%
21. Field Supp./Sm. Equipt.	\$128,920	\$124,743	(\$4,177)	-3.24%
22. Outside Maint. Services	\$333,950	\$315,250	(\$18,700)	-5.60%
23. Permit, Fees, Taxes	\$65,200	\$21,150	(\$44,050)	-67.56%
24. Miscellaneous	\$850	\$600	(\$200)	-23.53%
25. Comm.- Publications	\$132,300	\$129,050	(\$3,250)	-2.46%
26. Comm.-Special Projects	\$17,000	\$17,050	\$50	0.29%
27. Volunteers Program	\$31,300	\$34,515	\$3,215	10.27%
<u>Services and Supplies Subtotal</u>	<u>\$2,401,358</u>	<u>\$2,718,144</u>	<u>\$316,786</u>	<u>13.19%</u>
F. Fixed Assets				
1. New Lands Purchases	\$15,000,000	\$15,000,000	\$0	0%
2. Land Acquisition	\$150,000	209,000	\$59,000	39.33%
Support Costs – Appraisals, Title, Legal, Engineering				
3. Structures and Engineering	\$2,051,158	\$2,394,414	\$343,256	16.73%
4. Field/Office Equipment	\$47,000	\$37,000	(\$8,000)	-17.02%
5. Vehicles	\$129,500	\$164,000	\$34,500	26.66%
<u>Fixed Assets Subtotal</u>	<u>\$17,377,658</u>	<u>\$17,806,414</u>	<u>\$428,756</u>	<u>2.47%</u>
<u>TOTAL EXPENDITURES</u>	<u>\$32,701,096</u>	<u>\$34,031,606</u>	<u>\$1,330,510</u>	<u>4.07%</u>

R-03-34
Meeting 03-07
March 26, 2003

AGENDA ITEM 1b

AGENDA ITEM

Adoption of Budget for Fiscal Year 2003-2004.

GENERAL MANAGER'S RECOMMENDATION

Adopt the attached Resolution approving the budget for fiscal year 2003-2004.

DISCUSSION

The proposed budget for the 2003-2004 fiscal year was presented for initial review at your March 12, 2003 meeting (see Report R-03-27). The budget is being presented again for your final consideration and approval. There is one recommended change since the initial presentation, which does not effect the total budget. That change is a move of \$1,500 from Public Affairs' *Organizational Memberships* under the Business Meeting category, which was over budgeted, to Administration's *Regular Outside Services* to cover the cost of an alarm system for the Administration office building. The \$32,701,096 budget breaks down as follows:

Land Purchases	\$15,000,000
Debt Service	\$6,966,970
Operating Expenses	\$8,066,029
Property Management	\$127,750
Public Access Improvements	\$1,436,155
Staff Facility Improvements	\$835,028
Other Special Projects	\$67,000
Coastal Annexation	\$202,164

A summary of each Department's budget is included in Attachment 1, *Fiscal Year 2003-2004 Proposed Budget, By Department*.

As noted in Report R-03-27, the proposed budget presented at your March 12, 2003 meeting does not include any salary increases, as negotiations with Service Employees International Union Local 715 have not yet been completed. It also does not include any salary increases for the Office, Management, Supervisory Employees, as these will be presented to the Board at the same time as any union negotiated increases.

Prepared by:
Sally Thielholdt, Administration and Human Resources Manager

Contact person:
L. Craig Britton, General Manager

EXHIBIT A

Midpeninsula Regional Open Space District Budget for Fiscal Year 2003-2004

I. Revenues

A. Tax Revenues	\$19,117,000
B. Grant Income	561,000
C. Interest Income	735,000
D. Property Management-Rents	758,000
E. Other Income	200,000

TOTAL REVENUES \$21,371,000

II. Increase in Reserves (\$11,330,096)

III. Expenditures

A. <u>Debt Service</u>	
1. Interest	\$4,162,740
2. Principal	2,804,230
Debt Service Subtotal	\$6,966,970
B. <u>Salaries</u>	
1. General Manager Appointees	\$4,512,635
2. General Manager	138,557
3. Legal Counsel	86,117
4. Controller	15,000
Salaries Subtotal	\$4,752,309
C. <u>Benefits</u>	\$1,177,801
D. <u>Director's Fees</u>	\$25,000
Salaries and Benefits Subtotal	\$5,955,110
E. <u>Services and Supplies</u>	
1. Legal Services	\$85,000
2. Regular Outside Services	116,700
3. Contract Services	633,625
4. Election Expense	0
5. Library and Subscriptions	10,268
6. Management Agreements	50,000
7. Rents and Leases	79,325
8. Utilities	133,850
9. Postage	61,500
10. Printing and Duplicating	31,750

E. Services and Supplies (cont'd.)

11. Insurance	87,100
12. Advertising	16,000
13. Maps and Aerials	7,550
14. Private Vehicle Expense	12,200
15. District Vehicle Expense	172,000
16. Business Meeting Expense	15,650
17. Personnel Development	92,060
18. Maintenance/Repair of Equipment	21,200
19. Computer Expenses	41,110
20. Office Supplies/Small Equipment	24,950
21. Field Supplies/Small Equipment	128,920
22. Outside Maintenance Services	333,950
23. Permits, Fees, Taxes	65,200
24. Miscellaneous	850
25. Communications – Publications	132,300
26. Communications – Special Projects	17,000
27. Volunteer Program	31,300

Services and Supplies Subtotal \$2,401,358

F. Fixed Assets

1. New Land Purchases	\$15,000,000
2. Land Acquisition Support Costs – Appraisals, Title, Legal, Engineering	150,000
3. Structures and Improvements	
4. Field/Office Equipment	2,051,158
5. Vehicles	47,000
	129,500

Fixed Assets Subtotal \$17,377,658

TOTAL OF ALL EXPENDITURES \$32,701,096

R-04-41
Meeting 04-08
March 24, 2004

AGENDA ITEM 2b

AGENDA ITEM

Adoption of Budget for fiscal Year 2004-2005

GENERAL MANAGER'S RECOMMENDATIONS

1. Approve a three-point salary adjustment for the represented, office, supervisory, and management staff.
2. Approve the addition of the Maintenance and Resource Supervisor to the Classification and Compensation Plan and the hiring of two new positions in this job classification.
3. Adopt the attached Resolution approving the budget for fiscal year 2004-2005 and the amendment to the Classification and Compensation Plan reflecting the three-point salary adjustments.

DISCUSSION

The proposed budget for 2004-2005 fiscal year was presented for your initial review at the March 10, 2004 meeting (see Report R-04-33). The budget is presented again for your final consideration and approval (see Exhibit A).

As noted in Report R-04-33, the Administration and Budget Committee met on March 15, 2004 to complete its final meeting on the budget. There are no proposed changes to the budget presented in the initial budget report as a result of that meeting. The \$34,031,606 budget breaks down as follows:

Land Purchases	\$15,000,000
Debt Service	\$6,890,926
Operating Expenses	\$8,821,696
Property Management	\$108,590
Public Access Improvements	\$1,818,926
Staff Facilities	\$895,338
Other Special Projects	\$101,565
Coastside Protection	\$394,565

A summary of each Department's budget is included in Exhibit B, *Fiscal Year 2004-2005 Proposed Budget, By Department*.

In 2003, the Board approved the three-point salary adjustment for represented employees as part of the 2003 to 2005 Memorandum of Understanding (see Report R-03-49). Board approval of this budget and the Position Classification and Compensation Plan would approve a three-point salary increase for all General Manager appointed staff. This budget does not include salary increases for Board appointed staff. The revised Position Classification and Compensation Plan is included in this report as Exhibit C.

At the March 15, 2004 meeting of the Administration and Budget Committee, staff presented a projection of Staff Facility improvements through fiscal year 2009-2010 and recommended adjusting the guidelines to a higher amount, averaged over a ten-year period, so that it is a better reflection of current

construction costs and District's facilities needs. Staff and Directors agreed on a revised Staff Facilities guideline whereby staff facilities costs averaged over a ten-year period, should not exceed 3.5% of the operating expenses for that fiscal year. The proposal for a revised guideline is included in the Administration and Budget Committee's report.

Staff also presented a summary of the District's resource management program, outlining staff time and activities in both the Operations and Planning departments. The 2004-2005 budget proposes over \$3 million for the District's resource management program including staff time, capital improvement and planning projects as well as \$38,500 for fuel management activities.

In addition, the budget proposal includes two new field positions for a Maintenance and Resource Supervisor. Each Maintenance and Resource Supervisor position would spend at least half time on resource management projects and enhance the District's capacity to grow the resource management program. The new positions would also allow supervisors to spend more time in the field and reduce the span of control of the current Maintenance and Construction Supervisors.

Over the last few years the Maintenance and Construction Supervisors have taken on additional resource management work in response to the Board's direction. In the long term, these new positions would allow the District to expand the resource management program and accomplish more of the District's resource management goals. The Committee supported the addition of these new staff positions and further requested to review the District's resource management program in future year's budgets.

Prepared by:
Michelle Jesperson, Management Analyst

Contact person:
L. Craig Britton, General Manager

EXHIBIT A

**Midpeninsula Regional Open Space District
Budget for Fiscal Year 2004-2005**

I. Revenues

A. Tax Revenues	\$19,258,000
B. Grant Income	4,037,000
C. Interest Income	765,000
D. Property Management-Rents	783,000
E. Other Income	200,000

TOTAL REVENUES \$25,043,000

II. Increase in Reserves (\$8,988,606)

III. Expenditures**A. Debt Service**

1. Interest	\$4,395,677
2. Principal	2,495,249

Debt Service Subtotal \$6,890,926

B. Salaries

1. General Manager Appointees	\$4,930,224
2. General Manager	144,100
3. Legal Counsel (80% time)	106,940
4. Controller	16,500

Salaries Subtotal \$5,197,764

C. Benefits \$1,395,358

D. Director's Fees \$23,000

Salaries and Benefits Subtotal \$6,616,122

E. Services and Supplies

1. Legal Services	\$118,000
2. Regular Outside Services	116,703
3. Contract Services	888,645
4. Election Expense	50,000
5. Library and Subscriptions	9,915
6. Management Agreements	50,000
7. Rents and Leases	92,826
8. Utilities	127,860
9. Postage	82,432
10. Printing and Duplicating	32,250

E. Services and Supplies (cont'd.)

11. Insurance	88,558
12. Advertising	8,550
13. Maps and Aerials	14,800

14. Private Vehicle Expense	13,000
15. District Vehicle Expense	175,692
16. Business Meeting Expense	16,550
17. Personnel Development	104,335
18. Maintenance/Repair of Equipment	22,900
19. Computer Expenses	37,520
20. Office Supplies/Small Equipment	25,250
21. Field Supplies/Small Equipment	124,743
22. Outside Maintenance Services	315,250
23. Permits, Fees, Taxes	21,150
24. Miscellaneous	600
25. Communications – Publications	129,050
26. Communications – Special Projects	17,050
27. Volunteer Program	34,515
Services and Supplies Subtotal	\$2,718,144

F. Fixed Assets

1. New Land Purchases	\$15,000,000
2. Land Acquisition Support Costs – Appraisals, Title, Legal, Engineering	209,000
3. Structures and Improvements	
4. Field/Office Equipment	2,394,414
5. Vehicles	39,000
	164,000

Fixed Assets Subtotal \$17,806,414

TOTAL OF ALL EXPENDITURES \$34,031,606

SPECIAL MEETING
ADMINISTRATION AND BUDGET COMMITTEE

AGENDA

12:30 p.m.
Wednesday
May 26, 2004

Jed Cyr, Chair
Larry Hassett
Ken Nitz

12:30* ROLL CALL

ADOPTION OF AGENDA

12:35* COMMITTEE BUSINESS

1. Proposed Response to State Budget Cuts and the Reduction in Property Tax Income
2. Information Items

2:00* ADJOURNMENT

** Times are estimated and items may appear earlier or later than listed. Agenda is subject to change of order.*

IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, IF YOU NEED ASSISTANCE TO PARTICIPATE IN THIS MEETING, PLEASE CONTACT THE DISTRICT CLERK AT (650) 691-1200. NOTIFICATION 48 HOURS PRIOR TO THE MEETING WILL ENABLE THE DISTRICT TO MAKE REASONABLE ARRANGEMENTS TO ENSURE ACCESSIBILITY TO THIS MEETING.

TUESDAY

FREE

REDWOOD CITY DAILY NEWS

San Mateo County's 7-day-a-week newspaper

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Open space spawns fight

BY SARA GAUSER
DAILY NEWS STAFF WRITER

"Open space" may seem like a value everyone can support, but on the San Mateo County coast, the phrase may qualify as fighting words.

The annexation by the Los Altos-based Midpeninsula Regional Open Space District of 220 square miles of coast stretching from Pacifica to the Santa Cruz County border has become a heated political battle on

the Coastside. Allegations of stolen signs and deceptive practices are being thrown back and forth and threats of lawsuits are in the air.

A loose coalition of Coastside residents is scrambling to collect

enough signatures by June 11 to force an election on the annexation in the affected areas, or possibly stop it outright. Those in support of the annexation are meanwhile urging residents to "decline to sign" the

petitions being circulated and passing out forms to let those who already signed withdraw their signatures.

The annexation, approved in

See OPEN SPACE, page 29

April by the San Mateo County Local Agency Formation commission, would allow the open space district to acquire land for open space and agricultural purposes and would give Coastside representation on the district board. The district could also seek voter approval for new taxes.

While the district has used eminent domain on some occasions, a law signed in April permanently removed that power, meaning land can only be bought from willing sellers. District officials have said they expect to acquire about 11,800 acres over a 15-year period.

Milking It

Armed with petitions and signs reading "Got Vote?" groups such as the Citizens for Responsible Open Space say their campaign is about democracy, not the annexation.

Residents in the affected area will not vote directly on the annexation unless opponents can get signatures from 25 percent of registered voters in the affected area by end of the appeal period, or about 4,000 people. Signatures from 50 percent of voters would kill it outright.

"If they've got such a big plurality, why would they be so hesitant to let it go to a vote?" said Mario Pellegrini, a Montara resident and member of Citizens for Responsible Open Space. "They've had six years to educate and

convince people that this is a good thing."

Zoe Kersteen-Tucker of the Coastal Open Space Alliance said the "Got Vote?" campaign was misleading voters into thinking they were signing petitions supporting open space. She said the district, which was invited by Coastside residents to consider the annexation, has already said it would not try again if it lost this round.

Kersteen-Tucker noted that an advisory vote on whether the district should consider annexing the Coastside passed by 55 percent in 1998, even before the district's power of eminent domain was eliminated.

"Why should we spend additional taxpayers money to have an election if we've had one vote already?" Kersteen-Tucker said. "What the 'Got Vote?' campaign is doing is protesting seven years of public input, taxpayer dollars and investment in a program intended to protect open space and agricultural land."

Given that the "Got Vote?" campaign is supported by groups including the San Mateo County Association of Realtors, the Republican Party and the Santa Cruz-based Senior Coalition for Fair Taxation, Kersteen-Tucker and others said developers and property-rights interests seemed to be driving the opposition.

On the other hand, groups such as the San Mateo County Farm Bureau and Coastside

Chamber of Commerce, as well as numerous local governments, have endorsed the annexation, making for a somewhat strange political alliance with environmental groups.

The strongest opposition to the annexation comes from the southern part of the coast, which voted against the 1998 measure but was overruled by the more populous Half Moon Bay and Montara areas.

Open space defined

Veronica True of Mindengo Ranch in La Honda said she and her husband had open space district lands on both sides of their property, and had been supportive when they were acquired roughly 30 years ago. Since then, however, she felt the lands had been badly managed, making them a fire hazard.

True said she had spoken to many farmers and ranchers with "terrible stories" about the district, such as high rents on district land or lost water rights.

"We support open space," True said. "But over the years we have found that it's really more about owning land than it is caring for the land."

Terry Gossett, a member of Californians for Property Rights, said the district would also hurt local agencies who would lose tax revenue on lands acquired for open space,

although most agencies have said the impact would be less than significant.

Craig Britton, general manager of the open space district and a Los Altos resident, said it seemed likely that an election was in the offing, although neither side will say how many signatures or withdrawals they have collected so far.

Developers

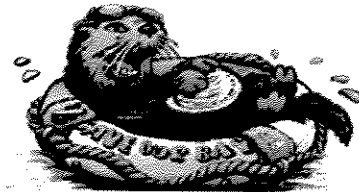
"It seems to me that the people getting excited about this are the developers," Britton said. "I think all the facts are out there, depending on which side you want to believe."

If the annexation passes, either through the failure of an appeal or through an election in November, Britton said the district's first steps would be to redistrict, set up an ombudsman and review its "good neighbor" policy.

The Local Agency Formation Commission will meet at 2:30 p.m. tomorrow at 400 County Center in Redwood City to hear two requests for reconsideration of its approval of the annexation. A protest hearing where all signatures and petitions will be submitted will be held at 3:30 p.m. June 11 at 535 Kelly Ave. in Half Moon Bay. Results of the petition drive are not expected until late June, according to those involved in the campaign.

BRAUN MEMORANDUM (12/26/01)

SAVE OUR BAY FOUNDATION



Protecting California's Future

"Change is inevitable..."

Survival is not."

December 26, 2001

To: Honorable SMC Board of Supervisors

From: Oscar & Andrea Braun

Subject: Stable/Affordable Housing Appeal of PLN-1999-00079

The purpose of this letter is to respectfully request that the Board of Supervisors uphold the SMC Planning Commission's legalization of our horse stable and affordable housing without conditions or mitigation measures. We request that the Board also take into consideration the following track record of the appellants during their review.

On December 6, 1995, Lenny Roberts told the San Mateo County Board of Supervisors that they are "partners" with the Committee for Green Foothill and Sierra Club for implementing the 1994 Coastsides Protection Initiative. Ms. Roberts directed the Board of Supervisors to instruct the Planning Commission to begin the legislative process contained in their 1994 initiative. The Board was further instructed that the Planning Commission focus **only** on the specific amendments contained in their initiative and not broaden the proposal beyond that. These specific amendments included: Reduction of government expenditures; reduction of costs to San Mateo County taxpayers for roads, law enforcement, fire protection, and other government services for scattered and remote development (aka Rural Lands). The initiative defined perceived "Development Treats" and claimed that pressure for extensive development on the Coastsides was severe, especially with proposed construction of increased water supplies, additional sewage treatment facilities, and larger highways.

The official public record shows what accomplishments the 1994 Coastsides Protection Partnership has brought to the voters of San Mateo County and the quality of life on the Coastsides.

- In 1999 & 2000 San Mateo County was found to be the most polluted county in the Bay Area...from sewage discharge and stormwater runoff by the Natural Resource Defense Council.
- All roads in the San Mateo County coastal zone are sub-standard and the CGF/Sierra Club Tunnel boondoggle has successfully failed the EIR process for the third time. The Tunnel Task Force greatest achievement has been Devil's Slide Hwy 1 improvement delay and loss of Federal funding.
- The San Mateo County Wildlands/Urban Interface (WUI) now has the highest risk level in history for a catastrophic WUI wildfire threatening the Bay Area's regional water system. The CCWD currently cannot deliver enough water or head pressure in the event of a WUI fire in approximately 40% of the Coastsides.
- Effectively blocked PMAC supported flood control implementation measures to protect CDF Fire/Rescue/Emergency access to Pescadero



Protecting California's Future

"Change is inevitable...

Survival is not."

from the West continues to be delayed . Endless CCC appeals resulting in: No Boys & Girls Club, no middle schools, no nun convents, no expanded health care clinic services, no affordable housing for our community employees, even less substandard sheriff and fire protection throughout the Rural Lands.

- San Mateo County has allowed, without benefit of USFWS or State Fish & Game site plan or EIR review, at least four prohibited and detrimental commercial/industrial classified operations that violate the Clean Water Act and the Endangered Species Act. The prohibited and detrimental commercial/industrial operations are Shamrock Ranch, Wildlife Associates, Half Moon Bay Sealing & Paving and Johnston Ranch unlicensed landfill. The County of San Mateo Planning Commission has reclassified prohibited uses and found, based on the advice of the Planning Administrator and lobbying by the Committee for Green Foothills Lenny Roberts, that these four commercial/industrial operators activities conducted in statutory delineated critical environmentally sensitive habitats qualify as non-residential uses accessory to agriculture and permitted by right in the Planned Agricultural District on either prime or non-prime soils. By allowing these four reclassified prohibited and detrimental commercial/industrial facilities uses to operate without benefit of EIR review or permits, the County of San Mateo violates both CEQA/ NEPA environmental review statutes. Clean Water Act or Endangered Species violations disqualifies the County from receiving State or Federal permit approval (ROD) and funding.

In closing, as stated on the record before the Planning Commission: Applicants do not concur with the Mitigation Measures for Case #PLN 1999-0079, a project to legalize Moon Acres agricultural structures. San Mateo County Environmental Services Agency, at the direction of Lenny Roberts, has conducted a four year campaign of unlawful punitive retaliation against the Braun family in response to their "lawful whistle blowing" complaints brought by the Half Moon Bay Coastside Foundation's Watershed Posse against the County. Environmental Services has coerced and unlawfully compelled the Brauns to sign the mitigation agreement document. The Brauns have suffered significant financial damages from the actions of the San Mateo County Environmental Services Agency and are not precluded from now giving their notice of intent (NOI) to file a criminal complaint with the U.S. Attorney for violations under the U.S. anti-racketeering and environmental protection statutes.

In our opinion, as long as the San Mateo County Board of Supervisor's supports the agenda and purpose of the Anti-Community Alliance's (Committee for Green Foothills, Sierra Club, Peninsula Open Space Trust, Mid-Peninsula Open Space District) 1994 Coastside Protection Initiative, the quality of life, health and safety of all communities in San Mateo County will continue to be at risk.