

Before the Board of Supervisors in and for the County of Monterey, State of California

Resolution No: 16 - 212

Calling for a special election to be consolidated)
with the general election on November 8, 2016,)
to submit to the voters an ordinance authorizing)
the Transportation Agency for Monterey County)
to impose a three-eighths of one percent retail)
transactions and use tax to provide revenues for)
implementation of the Transportation Safety and)
Investment Plan for a period not to exceed thirty)
years, for specific transportation)
improvements.....)

WHEREAS, consistent with Section 180201 of the Public Utilities Code, on June 22, 2016, the Transportation Agency for Monterey County (TAMC), unanimously adopted the Transportation Safety and Investment Plan and Retail Transactions and Use Tax Ordinance No. 2016-01 to impose a three-eighths of one percent retail transactions and use ("sales") tax for implementation of the Transportation Safety and Investment Plan, subject to approval by not less than two thirds of the voters voting on the measure; and,

WHEREAS, pursuant to Section 180206 of the Public Utilities Code, the Transportation Safety and Investment Plan has received the approval of the Board pursuant to Resolution No. 16-106, approved on May 10, 2016, and of the city councils representing both a majority of the cities in the County and a majority of the population residing in the incorporated areas of the County; and,

WHEREAS, pursuant to Section 180201 of the Public Utilities Code, TAMC has requested that the Board call a special election for the purpose of submitting to the voters of Monterey County the question of approving the Transportation Safety and Investment Plan and Retail Transactions and Use Tax Ordinance No. 2016-01; and,

WHEREAS, pursuant to Elections Code Section 10002, the city or district shall reimburse the county in full for the services performed upon presentation of a bill to the city or district; and

WHEREAS, pursuant to Elections Code Section 10400, whenever two or more elections, including bond elections, of any legislative or congressional district, public district, city, county, or other political subdivision are called to be held on the same day, in the same territory, or in territory that is in part the same, they may be consolidated upon the order of the governing body or bodies or officer or officers calling the elections; and

WHEREAS, pursuant to Elections Code Section 10400 and 10418, such election for cities and special districts may be either completely or partially consolidated; and

WHEREAS, pursuant to Elections Code Section 10401, where one of the elections to be consolidated is a statewide election, the board of supervisors of the county in which the consolidation is to be effected may order the consolidation.

NOW THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Monterey as follows:

1. Call for Election. Pursuant to Section 180201 of the Public Utilities Code, the Board hereby calls a special election to be held within the boundaries of Monterey County to submit to the voters of the County the following proposition:

Shall the Transportation Agency for Monterey County fund a transportation safety and investment plan to: improve safety on local roads and highways; repair potholes; maintain streets and roads; reduce traffic congestion; improve transportation for seniors, young people, and people with disabilities; and make walking and biking safer, by enacting a three-eighths' percent sales tax, raising approximately twenty million dollars annually over 30 years, plus state and federal matching funds, with citizen oversight and annual independent audits?

2. Election Date. The date of the special election shall be November 8, 2016, and the election shall be held solely within the boundaries of Monterey County.
3. Consolidation of Election. The special election shall be consolidated with the Statewide Election of November 8, 2016.
4. Authority for Election. The authority for ordering the election is contained in Section 180201 of the Public Utilities Code. Pursuant to Section 180201 of the Public Utilities Code and subparagraph (d) of Section 2 of Article XIIC of the California Constitution, the above proposition shall become effective only if it is approved by a two-thirds vote of the qualified voters of the county voting in the election on the issue.
5. Inclusion of Full Text of Ordinance and Expenditure Plan. Pursuant to Public Utilities Code Section 180203, the Registrar of Voters is hereby directed to include in the Voter Guide to be mailed to the voters both the full proposition attached hereto as Exhibit A, as set forth in the ordinance call in the election, and the entire adopted expenditure plan, attached hereto as Exhibit B. Costs of printing and distribution of the measure text and expenditure plan shall be paid for by the Transportation Agency for Monterey County, consistent with its cost sharing agreements with participating entities.
6. Conduct of Election. The Registrar of Voters is further directed to take all steps to hold the election in accordance with law and these specifications, and the Registrar of Voters shall render all services specified by the Elections Code relating to the election, such services to include the publication of the Formal Notice of Election. Article 3 of Chapter 2 of Division 9 of the Elections Code relating to arguments concerning county measures shall apply, and the County Counsel is directed to prepare an impartial analysis.
7. Effective Date. This resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED upon motion of Supervisor Phillips, seconded by Supervisor Potter and carried this 19th day of July 2016, by the following vote, to wit:

AYES: Supervisors Armenta, Phillips, Salinas, Parker and Potter

NOES: None

ABSENT: None

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 79 for the meeting on July 19, 2016.

Dated: July 29, 2016
File Number: RES 16-039
Corrected: August 4, 2016

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By Denise Hancock
Deputy

Exhibit A to Resolution



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ORDINANCE NO. 2016-01

TRANSPORTATION AGENCY FOR MONTEREY COUNTY TRANSPORTATION SAFETY AND INVESTMENT PLAN AND RETAIL TRANSACTIONS AND USE TAX ORDINANCE

Agency Counsel Summary

This ordinance adopts a Transportation Safety and Investment Plan and imposes a retail transactions and use tax of three-eighths of one percent (3/8%) over a period of thirty (30) years for the purposes of improving safety on local roads and highways, repairing potholes, maintaining streets and roads, reducing traffic congestion, improving transportation for seniors, young people, and people with disabilities, and making walking and biking safer, pursuant to an expenditure plan that has been approved by all affected jurisdictions. Tax revenues are to be allocated with 60% of funds dedicated to local road maintenance, pothole repairs and safety projects and 40% of funds dedicated to regional safety and mobility projects. The ordinance also provides bonding authority to the Transportation Agency for Monterey County, based upon tax proceeds, and requires the establishment of a Citizen Oversight Committee and the conducting of annual independent audits.

Preamble

Our transportation system in Monterey County is aging and the county roads and city streets are crumbling. There are still significant safety concerns and traffic jams, such as those on Highway 68, Highway 156 and US 101. These issues stifle our regional economy and make it more difficult for our vulnerable populations – the elderly, children and the disabled – to get around.

Community leaders have joined with the Transportation Agency for Monterey County to develop this Transportation Safety & Investment Plan, which identifies solutions to regional safety and local road needs of the highest priority.

The Transportation Agency for Monterey County's local elected officials want to make our transportation system better by filling potholes, making our roads safer, and reducing traffic. Representative of the County's diversity, our Board has one elected official from each of our twelve cities, and all five county supervisors.

Working with our local, state, and federal partners, our Agency has made great progress on making our highways safer and reducing traffic, ranging from large projects, such as US 101 at San Juan Road; to rail or bus service; to smaller projects such as neighborhood sidewalks, bicycle paths and bike racks, but we still have over \$2 billion dollars in unfunded road maintenance, safety and traffic reduction needs in Monterey County.

The challenge facing us is that we have fallen off the fiscal cliff when it comes to transportation revenues. Our primary transportation funding source, the gas tax, hasn't been raised for 20 years, and our cars are more fuel-efficient than ever. We can't count on the State and federal government to bail us out. Meanwhile, the cost of projects rises with inflation, and road repairs become more expensive the longer we wait.

This Transportation Safety and Investment Plan will help address our transportation needs in every community in Monterey County, to support and improve our quality of life.

The Board of Directors of the Transportation Agency for Monterey County ordains as follows:

Section 1. TITLE. This Ordinance shall be known as the "Transportation Safety and Investment Plan Ordinance". The Transportation Agency for Monterey County is referred to herein as "TAMC." This Ordinance shall be applicable in the incorporated and unincorporated territory of Monterey County, which is referred to herein as "County."

Section 2. SUMMARY. This Ordinance provides for: the adoption of a transportation expenditure plan, referred to herein after as the "Transportation Safety and Investment Plan", which is attached to this Ordinance as Exhibit "A" and hereby incorporated by reference as if fully set forth herein, to:

- Improve safety on local roads and highways
- Repair potholes
- Maintain streets and roads
- Reduce traffic congestion
- Improve transportation for seniors, young people, and people with disabilities, and
- Make walking and biking safer;

the imposition of a retail transactions and use tax of a three-eighths' of one-percent (3/8%) over thirty (30) years; the authority to issue bonds secured by such taxes; and, the ability of the TAMC to administer the tax proceeds and form of a citizen oversight committee, with the requirement to conduct annual independent audits.

Section 3. ADMINISTRATION OF PLAN. TAMC shall impose the transportation tax and enter into an agreement with the State Board of Equalization to collect the funds, shall allocate revenues derived therefrom and shall administer the Transportation Safety and Investment Plan, consistently with the authority cited herein.

Section 4. ADMINISTRATIVE COSTS. TAMC shall expend only that amount of the funds generated from this Ordinance for staff support, audits, annual reports and other administrative expenses, and contract services that are necessary and reasonable to carry out its responsibilities pursuant to Division 2 of the Revenue and Taxation Code. In no case shall the funds expended for salaries and benefits exceed one percent (1%) of the annual amount of revenue raised by this Ordinance net of the amount of fees paid to the State Board of Equalization and prior to the distribution of funds to the local jurisdictions as provided in the Transportation Safety and Investment Plan (Exhibit A).

Section 5. AUTHORITY. This Ordinance is enacted, in part, pursuant to the provisions of Division 19 (commencing with section 180000) of the Public Utilities Code and Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code.

Section 6. OPERATIVE DATE. This Ordinance shall become effective on the Operative Date only if a two-thirds majority of the electors voting on the measure at a special election to be called for such purpose vote to approve the Ordinance. "Operative Date" means the first day of the first calendar quarter commencing more than 110 days after the adoption of this Ordinance.

Section 7. PURPOSE. This Ordinance is adopted to achieve the following, among other purposes, and directs that the provisions hereof be interpreted in order to accomplish those purposes:

A. To implement specific projects and programs in Transportation Safety and Investment Plan, as approved by the Monterey County Board of Supervisors, the city councils of all 12 cities in Monterey County and the Transportation Agency for Monterey County.

B. To impose a retail transactions and use tax in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the California Revenue and Taxation Code and Section 180050 et. seq. of the Public Utilities Code which authorize the Authority to adopt this Ordinance which shall be operative if a two-thirds (2/3rds) majority of the electors voting on the measure vote to approve the imposition of the tax at an election called for that purpose.

C. To adopt a retail transactions and use tax ordinance that incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.6 of Division 2 of the Revenue and Taxation Code.

D. To adopt a retail transactions and use tax ordinance that imposes a County-wide transportation tax and provides a measure therefor that can be administered and collected by the State Board of Equalization in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the State Board of Equalization in administering and collecting the California State Sales and Use Taxes.

E. The funds generated by this ordinance may only be used for transportation purposes including: the administration of the Expenditure Plan, as amended, defense or prosecution of legal actions related thereto, the construction, acquisition, maintenance, and operation of streets, roads, highways, including state highways and public transit systems and for related transportation purposes, including project management and oversight of the projects to be funded using the Transportation Tax, such as coordination with other responsible agencies as well as project delivery and negotiation of project agreements. These purposes include expenditures for planning, environmental reviews, engineering and design costs, and related right-of-way acquisition. Expenditures also include, but are not limited to, debt service on bonds or other indebtedness, and expenses and reserves in connection with the issuance of the same.

Section 8. TRANSPORTATION SAFETY AND INVESTMENT PLAN. The revenues generated from the imposition of the retail sales and use tax provided for in this ordinance shall be made available for and allocated to the specified transportation projects and programs in

accordance with the Transportation Safety and Investment Plan, subject to the Policies and Project Descriptions for this Transportation Safety and Investment Plan, adopted by TAMC. The revenues are to be split with 60% dedicated to local road maintenance, pothole repairs and safety projects, and 40% dedicated to regional safety and mobility projects. The funding for local road maintenance, pothole repairs and safety projects is divided among the cities and the County according to the formula 50% population/50% lane miles. In the allocation of all revenues made available from the retail transactions and use tax, TAMC shall make every effort to maximize state and federal transportation funding to the region. TAMC may amend the Transportation Safety and Investment Plan, in accordance with this Ordinance, as needed, to maximize the transportation funding to Monterey County.

Section 9. ELECTION. TAMC requests the Board of Supervisors to call an election for voter approval of this Ordinance, which election shall be held on November 8, 2016. The election shall be called and conducted in the same manner as provided by law for the conduct of elections by a county. Pursuant to Section 180203 of the Public Utilities Code, the sample ballot to be mailed to the voters shall be the full proposition as set forth in this Ordinance, and the voter information handbook shall include the entire Transportation Safety and Investment Plan. The proposition to be placed on the ballot shall read substantially as follows:

Shall the Transportation Agency for Monterey County fund a Transportation Safety and Investment Plan to:

- Improve safety on local roads and highways
- Repair potholes
- Maintain streets and roads
- Reduce traffic congestion
- Improve transportation for seniors, young people, and people with disabilities, and
- Make walking and biking safer,

by enacting a three-eighths' percent sales tax, raising approximately twenty million dollars annually over 30 years, plus state and federal matching funds, with citizen oversight and annual independent audits?

yes no

Section 10. ANNUAL REPORT. The Executive Director of TAMC shall annually cause to be prepared a report setting forth (a) the amount of funds collected and expended pursuant to this Ordinance; and (b) the status of any projects authorized to be funded in the Investment Plan adopted by TAMC.

Section 11. LOCAL ROAD MAINTENANCE, POTHOLE REPAIRS AND SAFETY FUNDS.

A. State Law. Pursuant to section 180200 of the Public Utilities Code, the revenues provided from transactions and use taxes imposed by this Ordinance shall be used to supplement existing revenues being used for transportation improvements and programs. Each local jurisdiction receiving funds pursuant to this ordinance shall meet the requirements of that section. Under State enabling legislation, funds generated pursuant to the retail transactions and use tax are to be used to supplement and not replace existing local revenues used for transportation purposes. To meet these requirements, a jurisdiction must demonstrate maintenance of a minimum level of local street and road expenditures in conformance with the requirements below.

B. **Maintenance of Effort Requirements.** Each local jurisdiction shall expend each fiscal year from its general fund for street and highway purposes an amount not less than the annual average of its expenditures from its general fund during the preceding three fiscal years, as reported to the Controller pursuant to Streets and Highways Code section 2151. For purposes of this calculation an average of the prior three (3) years spent for local transportation purposes as defined in this document will be used. Exemptions from this calculation include onetime capital expenses, and expiration of any voter-approved fund sources that were used for local transportation purposes. In the case of expired voter-approved fund sources, the three-year average baseline would be recalculated in the next annual verification period without said expired fund sources. Revenues from a fee imposed or contribution first received by a local jurisdiction on or after January 1, 2016 which are used on or after July 1, 2016, by that local jurisdiction for maintenance or improvement purposes on its streets and highways shall be considered as general fund expenditures for the purposes of compliance with the provisions of this Section in the fiscal year in which such expenditures are made.

C. **Separate Account.** For ease of tracking and to assure full transparency, all revenues received and expenditures of these funds will be accounted for and tracked in its own separate budget and fund titled "Transportation Safety & Investment Plan Account" and will not be comingled with any other funds.

D. **Verification of Maintenance of Effort.** TAMC may request fiscal data from local jurisdictions, in addition to data provided pursuant to Streets and Highways Code Section 2151 for the three previous fiscal years. Each local jurisdiction shall furnish the data to the TAMC not later than 120 days after receiving a request therefor. TAMC may withhold payments to local jurisdictions which do not comply with requests for information or which provide incomplete information. At the conclusion of each fiscal year, each local jurisdiction shall verify compliance with the provisions in this ordinance. Subject to compliance with the provisions of this Ordinance and to any adjustment in the amount of such payments in accordance with this Ordinance, TAMC shall distribute Local Road Maintenance, Pothole Repair and Safety payments pursuant this Ordinance.

E. **New Cities.** For each local jurisdiction incorporated after the effective date of this Ordinance, the maintenance of effort requirement defined in Section 5 shall not apply for three years thereafter commencing with the date that the local jurisdiction was incorporated.

F. **Pavement Management Program.** Each city and the County of Monterey shall develop, or participate in the development of by TAMC, a pavement management program. They shall submit regular reports on the conditions of their streets, to ensure timely repairs and keep the public informed. Development of the pavement management program by TAMC is eligible to be funded out of this program prior to distribution of funds to the cities and County.

G. **Regional Development Impact Fee.** Each city and the County of Monterey shall maintain participation in the Transportation Agency for Monterey County's Regional Development Impact Fee program and impose these fees on new development as applicable to assure that new development pays for its impacts on the regional transportation system.

H. **Tax Sharing Agreements.** Each city and the County of Monterey shall enter into tax sharing agreements with TAMC that will include enforcement procedures, designed to reassure the public that tax revenues are spent in accordance with the ballot language. For example, each of the above conditions will be subject to verification and annual audit by the Transportation Agency for Monterey County. Failure to meet any of the above conditions will result in the suspension of the distribution of funds from the County Auditor-Controller to the deficient city/county. Resumption

of funding distribution by the County Auditor-Controller to the deficient city/county will resume only after full repayment for any misuse, and conformation of compliance to each of the above conditions by the Transportation Agency for Monterey County. Transportation Safety & Investment Plan funding accrued due to the failure of a city/county to meet the above conditions will be held in trust for up to two (2) years for said jurisdiction, after which the funds will be redistributed to the remaining cities/county in Monterey County per formula. The tax sharing agreements will also provide that resumption of funding can occur at any time during the life of the Transportation Safety & Investment Plan upon compliance with the above conditions and full repayment of any prior misused funds.

Section 12. CITIZENS OVERSIGHT COMMITTEE. As provided in the Transportation Safety and Investment Plan, a Citizens Oversight Committee representing a diverse range of community interests shall be formed within 6 months after the effective date of this Ordinance. The committee shall meet at least once a year or as often as monthly. Meetings shall be open to the public. The Committee shall:

A. Independent Audits: Have full access to the Agency's independent auditor and review the annual audits, have the authority to request and review specific financial information, and provide input on the audit to assure that funds are being expended in accordance with the requirements of this plan;

B. Plan Changes: Review and make recommendations on any proposed changes to the plan, prior to Transportation Agency Board consideration, subject to a 2/3 vote of the voting oversight committee members;

C. Project Delivery and Priorities: Review and comment on project delivery schedules and make recommendations to the Transportation Agency on any proposals for changing project delivery priorities;

D. Annual and Final Reports: Prepare annual reports regarding the administration of the program. Report to be presented to the Transportation Agency Board of Directors and posted on TAMC's website.

Section 13. AMENDMENTS TO THE INVESTMENT PLAN. TAMC may propose amendments to the Investment Plan to respond to unforeseen circumstances, or to provide for the use of additional federal, state, local or other funds. To amend the Investment Plan, an amendment must be approved by not less than a two-thirds vote of the TAMC Board of Directors and by a simple majority weighted vote of the TAMC Board of Directors based on population, following a noticed public hearing, a 45-day comment period, and review and recommendation by the Citizens Oversight Committee.

Section 14. CONTRACT WITH STATE. Prior to the operative date, TAMC shall contract with the State Board of Equalization to perform all functions incident to the administration and operation of this transactions and use tax ordinance; provided, that if TAMC shall not have contracted with the State Board of Equalization prior to the operative date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract.

Section 15. TRANSACTIONS TAX RATE. For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated and

unincorporated territory of the County at the rate of three-eighths of one percent (3/8 %) of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory on and after the operative date of this Ordinance.

Section 16. PLACE OF SALE. For the purposes of this Ordinance, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the State Board of Equalization.

Section 17. USE TAX RATE. An excise tax is hereby imposed on the storage, use or other consumption in the District of tangible personal property purchased from any retailer on and after the operative date of this Ordinance for storage, use or other consumption in said territory at the rate of three-eighths of one percent (3/8 %) of the sales price of the property. The sales price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made.

Section 18. ADOPTION OF PROVISIONS OF STATE LAW. Except as otherwise provided in this Ordinance and except insofar as they are inconsistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code are hereby adopted and made a part of this Ordinance as though fully set forth herein.

Section 19. LIMITATIONS ON ADOPTION OF STATE LAW AND COLLECTION OF USE TAXES. In adopting the provisions of Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code:

A. Wherever the State of California is named or referred to as the taxing agency, the name of TAMC shall be substituted therefor. However, the substitution shall not be made when:

1. The word "State" is used as a part of the title of the State Controller, State Treasurer, Victim Compensation & Government Claims Board, State Board of Equalization, State Treasury, or the Constitution of the State of California;

2. The result of that substitution would require action to be taken by or against TAMC or any agency, officer, or employee thereof rather than by or against the State Board of Equalization, in performing the functions incident to the administration or operation of this Ordinance.

3. In those sections, including, but not necessarily limited to sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to:

a. Provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption

remain subject to tax by the State under the provisions of Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code; or

b. Impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the state under the said provision of that code.

4. In Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code.

B. The word "County" shall be substituted for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 and in the definition of that phrase in Section 6203.

Section 20. PERMIT NOT REQUIRED. If a seller's permit has been issued to a retailer under Section 6067 of the Revenue and Taxation Code, an additional transactor's permit shall not be required by this Ordinance.

Section 21. EXEMPTIONS AND EXCLUSIONS.

A. There shall be excluded from the measure of the transactions tax and the use tax the amount of any sales tax or use tax imposed by the State of California or by any city, city and county, or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law or the amount of any state-administered transactions or use tax.

B. There are exempted from the computation of the amount of transactions tax the gross receipts from:

1. Sales of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the County in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government.

2. Sales of property to be used outside the County which is shipped to a point outside the County, pursuant to the contract of sale, by delivery to such point by the retailer or his agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this paragraph, delivery to a point outside the County shall be satisfied:

a. With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, and undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code by registration to an out-of-County address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, his or her principal place of residence; and

b. With respect to commercial vehicles, by registration to a place of business out-of-County and declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.

3. The sale of tangible personal property if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the operative date of this Ordinance.

4. A lease of tangible personal property which is a continuing sale of such property, for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the operative date of this Ordinance.

5. For the purposes of subparagraphs (3) and (4) of this section, the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

C. There are exempted from the use tax imposed by this Ordinance, the storage, use or other consumption in this County of tangible personal property:

1. The gross receipts from the sale of which have been subject to a transactions tax under any state-administered transactions and use tax ordinance.

2. Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government. This exemption is in addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code of the State of California.

3. If the purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the operative date of this Ordinance.

4. If the possession of, or the exercise of any right or power over, the tangible personal property arises under a lease which is a continuing purchase of such property for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease prior to the operative date of this Ordinance.

5. For the purposes of subparagraphs (3) and (4) of this section, storage, use, or other consumption, or possession of, or exercise of any right or power over, tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

6. Except as provided in subparagraph (7) below, a retailer engaged in business in the County shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the County or participates within the County in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in the County or through any representative, agent, canvasser, solicitor, subsidiary, or person in the County under the authority of the retailer.

7. "A retailer engaged in business in the County" shall also include any retailer of any of the following: vehicles subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, or undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code. That retailer shall be required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an

D. Any person subject to use tax under this Ordinance may credit against that tax any transactions tax or reimbursement for transactions tax paid to a County imposing, or retailer liable for a transactions tax pursuant to Part 1.6 of Division 2 of the Revenue and Taxation Code with respect to the sale to the person of the property the storage, use or other consumption of which is subject to the use tax.

Section 18. AMENDMENTS TO THE ORDINANCE. All amendments subsequent to the effective date of this Ordinance to Part 1 of Division 2 of the Revenue and Taxation Code relating to sales and use taxes and which are not inconsistent with Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, shall automatically become a part of this Ordinance, provided however, that no such amendment shall operate so as to affect the rate of tax imposed by this Ordinance.

Section 19. ENJOINING COLLECTION FORBIDDEN. No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or the TAMC, or against any officer of the State or the TAMC, to prevent or enjoin the collection under this Ordinance, or Part 1.6 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected.

Section 22. ESTABLISHMENT OF BONDING AUTHORITY. TAMC is authorized to issue bonds to finance capital outlay expenditures as may be provided for in the Investment Plan, payable from the proceeds of the transactions and use tax. TAMC may issue limited tax bonds, from time to time, to finance any program or project in the Investment Plan. The maximum bonded indebtedness, including issuance costs, interest, reserve requirements, and insurance, shall not exceed the total amount of the proceeds anticipated to be collected by imposition of this transactions and use tax. All costs associated with the issuance of such bonds shall be accounted for within the program category in which the bond proceeds are used. The bonds shall be payable solely from, and shall be secured by a pledge of, the proceeds of the retail transactions and use tax, and may be issued any time before expiration of the tax. TAMC, in allocating the revenues from the Ordinance, shall meet all debt service requirements and other bond related costs prior to allocating funds for other projects or purposes.

Section 23. SEVERABILITY. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the Ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

Section 24. EFFECTIVE DATE. This Ordinance relates to the levying and collecting of transactions and use taxes and shall take effect immediately, subject only to the Operative Date set forth in in this Ordinance.

Section 25. EXPIRATION DATE. The authority to levy the tax imposed by this Ordinance shall expire thirty (30) years from the operative date of this Ordinance.

PASSED AND ADOPTED by the Transportation Agency for Monterey County, State of California this 24th day of June 2015, by the following vote:

AYES: T. Bodem, A. Chavez, B. Delgado, J. Edelen, C. Hardy, R. Huitt,
M. LeBrarre, K. Markey, J. Martínez, M. Orozco, D. Potter, R. Rubio,
S. Salinas, J. Serrano, E. Smith, and J. Stratton

NOES:

ABSENT: J. Huerta




**ALEJANDRO CHAVEZ, VICE CHAIR
TRANSPORTATION AGENCY FOR MONTEREY COUNTY**

ATTEST:

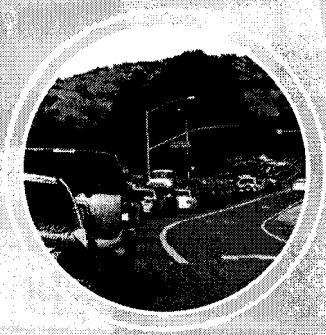


**DEBRA L. HALE, EXECUTIVE DIRECTOR
TRANSPORTATION AGENCY FOR MONTEREY COUNTY**

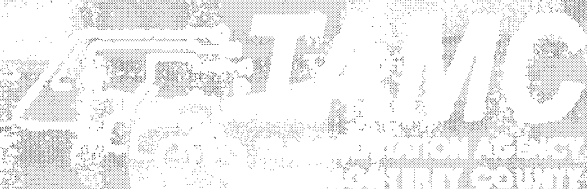
Exhibit B to Resolution –
Transportation Safety and
Investment Plan

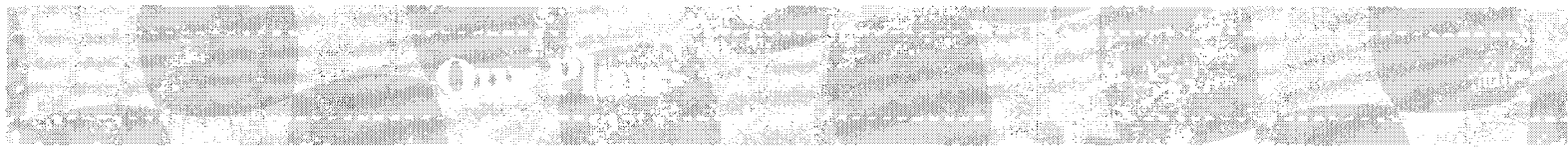


Keep
Monterey
County
Moving

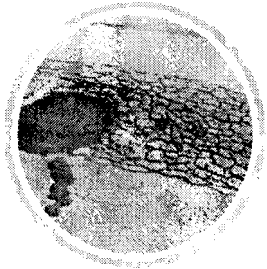


Transportation Safety & Investment Plan





ROADS & POTHOLES



Transportation Safety & Investment Plan -- \$600 million (est.)

The Transportation Safety & Investment Plan is estimated to receive \$20 million per year, or \$600 million total, funded by a 3/8-percent sales tax over 30-years. The revenues are split with 60% dedicated to local road maintenance, pothole repairs and safety projects, and 40% dedicated to regional safety and mobility projects.

Local Road Maintenance, Pothole Repairs & Safety Projects (2010-2039)

- Funding is divided among the cities and the County according to the formula 50% population/50% lane miles
- Cities and County select their projects with Transportation Agency oversight.
- Funding is restricted to expenditures for local road maintenance and safety projects.
- Local safety projects are defined as projects that directly correlate to safety of the user and do not increase motor vehicle lane miles with the exception of the Pinnacles Parkway Connection project.
- Maintenance of prior years' funding levels from other sources is required.

MOBILITY & ACCESS



SAFETY & TRAFFIC



WALKING & BIKING



Local Road Maintenance, Pothole Repairs & Safety

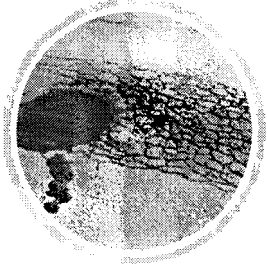
Jurisdiction	10 Year Distribution
Carmel	\$4,292,000
Del Rey Oaks	\$1,566,000
Gonzales	\$4,386,000
Greenfield	\$9,131,000
King City	\$8,097,000
Marina	14,370,000
Monterey	\$22,643,000
Pacific Grove	\$12,314,000
Salinas	\$91,383,000
Sand City	\$586,000
Seaside	\$22,193,000
Soledad	\$12,595,000
County Roads	\$156,444,000

2010

2039 (est.)

City Plan

ROADS & POTHOLLS



Regional and Countywide Safety & Walkability Projects for the County

- Constructs regionally significant improvements selected based on input from key community leaders, transportation planners and engineers, and your elected representatives.
- Includes traffic flow improvements on Highways 68, 101 and 1.
- Includes safety improvements at the top collision locations and corridors within the county.

MOBILITY & ACCESS



Highway & Road Safety \$160 million

Highway 68 Safety & Traffic Flow <i>Salinas to Monterey</i>	\$50 million
US 101 Safety Improvements - South County	\$30 million
State Route 156 Safety Improvements <i>Castroville Boulevard Interchange</i>	\$30 million
Imjin Safety & Traffic Improvements <i>Multimodal Corridor Improvements</i>	\$20 million
Highway 1 Rapid Bus Corridor	\$15 million
Holman Highway 68 Safety & Traffic Flow <i>Monterey to Pacific Grove</i>	\$10 million
Habitat Preservation/Advance Mitigation <i>Habitat Plan and Advance Right-of-way for Projects</i>	\$5 million

SAFETY & TRAFFIC



Mobility for All \$80 million

Pedestrian & Bike Safety <i>Fort Ord Regional Trail and Greenway - paved pathway</i>	\$20 million
Transportation for Youth, Seniors, People with Disabilities & Working Families <i>Safe Routes to Schools</i>	\$20 million
<i>Senior & Disabled Transportation</i>	\$15 million
<i>Commuter Bus, Salinas Valley Transit Center(s) & Vanpools</i>	\$25 million

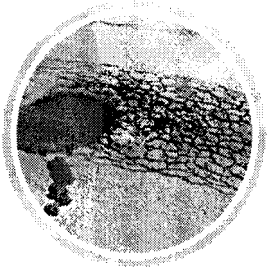
WALKING & BIKING



Visit www.tamc.org for policies and project descriptions.

Our Plan

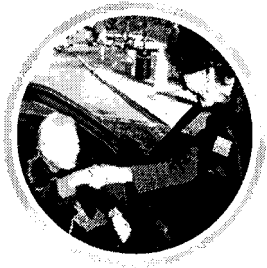
ROADS & POTHOLES



The Transportation Agency for Monterey County's mission is to proactively fund and plan a transportation system that enhances mobility, safety, access, environmental quality and economic activities by investing in regional transportation projects for Monterey County residents, businesses and visitors.

Our Board of Directors is made up of local elected officials who want to make our transportation system better by filling potholes, making our roads safer, and reducing traffic. Representative of the County's diversity, our Board has one elected official from each of our twelve cities, and all five county supervisors.

MOBILITY & ACCESS



The Transportation Agency for Monterey County, working with our local, state, and federal partners, has made great progress on making our highways safer and reducing traffic, ranging from large projects, such as US 101 at San Juan Road; to rail or bus service; to smaller projects such as neighborhood sidewalks, bicycle paths and bike racks. However, our transportation system in Monterey County is aging and the county roads and city streets are crumbling. There are still significant safety concerns and traffic jams, such as those on Highway 68, Highway 156 and US 101. These issues stifle our regional economy and make it more difficult for our vulnerable populations – the elderly, children and the disabled – to get around.

SAFETY & TRAFFIC



The challenge facing us is that we have fallen off the fiscal cliff when it comes to transportation revenues. The primary source of transportation funding, the gas tax, hasn't been raised for 20 years and our cars are more fuel-efficient than ever before. We can't count on the State and federal government to bail us out. Meanwhile, project costs rise with inflation, and road repairs become more expensive the longer we wait. We have over \$2 billion dollars in unfunded road maintenance, safety and traffic reduction needs in Monterey County.

Community leaders have joined with the Transportation Agency for Monterey County to develop this Transportation Safety & Investment Plan, which identifies solutions to regional safety and local road needs of the highest priority.

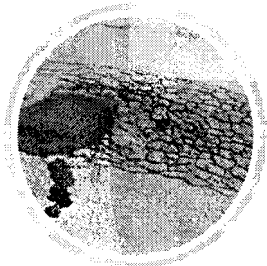
WALKING & BIKING



Community leaders have joined with the Transportation Agency for Monterey County to develop this Transportation Safety & Investment Plan.

\$600 Million Estimated Tax Revenue

ROADS & POTHOLES



Road Projects

- \$360 million to Local Road Maintenance, Pothole Repairs & Safety
- \$160 million to Regional Road Safety & Congestion Improvements

Mobility for All

- \$80 million to Pedestrian & Bike Safety and Mobility Projects

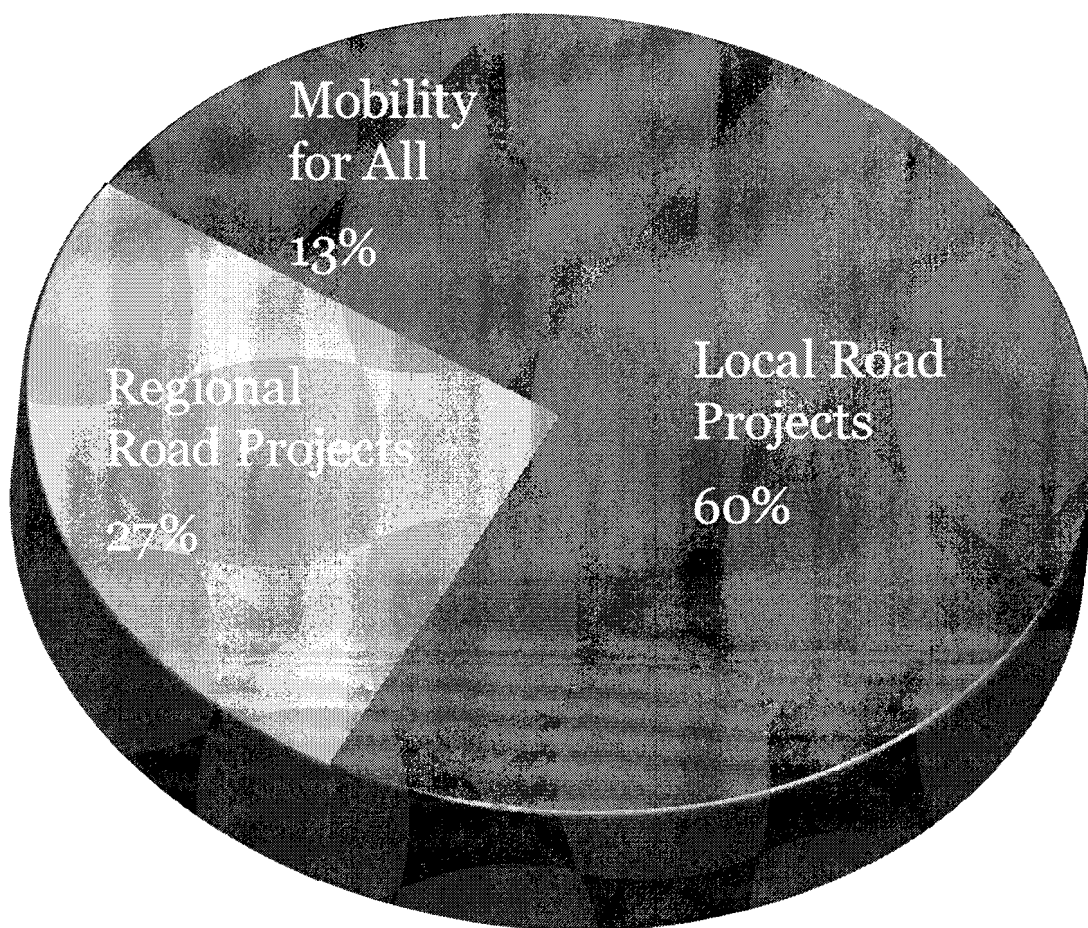
MOBILITY & ACCESS



SAFETY & TRAFFIC

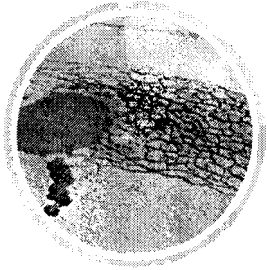


WALKING & BIKING



Our Plan

ROADS & POTHOLES



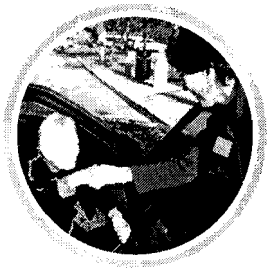
Local Funding for Maintenance, Potholes, and Pothole Safety

\$360 million for maintenance of local streets, pothole repairs, and safety improvements.

Transportation for Older Adults, People with Disabilities, and Aging Families

Investing in transportation options for older adults to support their ability to live independently in their homes and communities. Also, funding for youth transportation and new bus and vanpool service for workers to reach jobs throughout the region.

MOBILITY & ACCESS



Increase Safety and Reduce Traffic Congestion

Constructing regionally significant improvements based on input from key community leaders, the TAMC Board, city managers and mayors. These projects include safety improvements at the top collision locations and/or corridors within the county.

Make Walking and Biking Safer

Improving the safety and health of children by funding Safe Routes to Schools projects and programs that promote safe walking, bicycling and rides to schools, including transportation to Rancho Cielo. Also includes funding for a safe, paved regional biking and walking path that links California State University Monterey Bay, local schools and residents to parks, shops and jobs in Seaside, Marina, Del Rey Oaks, and Monterey (the Fort Ord Regional Trail and Greenway).

SAFETY & TRAFFIC



Accessing Funds

With an approved transportation measure, our County will qualify for State and federal matching funds, essentially doubling our money. Making this investment now in our future transportation needs will help to maintain our quality of life and ensure safer travel for all of Monterey County's residents, workers and visitors.

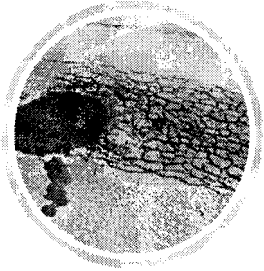
WALKING & BIKING



Making this investment now in our future transportation needs will help to maintain our quality of life and ensure safer travel for all of Monterey County's residents, workers and visitors.

Our Plan

ROADS & POTHOLES

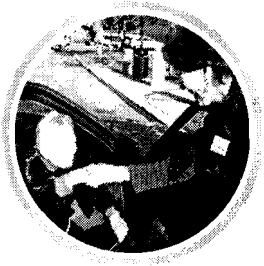


TAXPAYER SAFEGUARDS

To ensure proper safeguards for these funds, this Investment Plan will be approved by the County, the cities, and then the voters. Strong taxpayer safeguards have been put in place to ensure that the projects and programs proposed in this balanced plan can be funded over its lifetime. This plan:

- Guarantees that funding raised by the sales tax can only be used for the transportation projects and programs in this investment plan;
- Specifies that the Transportation Agency for Monterey County will oversee the distribution of revenues to the projects and programs in this plan;
- Assures that these local monies cannot be taken and used for other purposes by TAMC or another government agency;
- Appoints an independent Citizens Oversight Committee to assure that revenues are spent according to the plan;
- Requires annual independent audits and reports to the taxpayers;
- Limits the ability to change the programs or projects in the Investment Plan;
- Limits funds for administrative costs; and
- Provides the ability to issue bonds to deliver projects ahead of schedule.

MOBILITY & ACCESS



SAFETY & TRAFFIC



WALKING & BIKING



Strong taxpayer safeguards ensure that the projects and programs will be funded over the lifetime of the plan.

TAMC Board of Directors

Member Representatives

County of Monterey Board of Supervisors

City of Carmel-by-the-Sea

City of Del Rey Oaks

City of Gonzales

City of Greenfield

City of King City

City of Marina

City of Monterey

City of Pacific Grove

City of Salinas

City of Sand City

City of Seaside

City of Soledad

Non-Voting Public Representative

Association of Monterey Bay Area Governments

Caltrans District 5

City of Watsonville

Monterey Bay Unified Air Pollution Control District

Monterey Regional Airport

Monterey-Salinas Transit