



Regional Transportation Planning Agency - Local Transportation Commission
Monterey County Service Authority for Freeways & Expressways
Monterey County Regional Development Impact Fee Joint Powers Agency
Email: info@tamcmonterey.org

MEASURE X CITIZENS OVERSIGHT COMMITTEE

Tuesday, October 19, 2021

****2:00 PM****

REMOTE CONFERENCE ONLY

There will be NO physical location of the meeting.

Please see all the special meeting instructions at the end of the agenda.

Join meeting online at

<https://us02web.zoom.us/j/819167755?pwd=VE91U1FBK1lwOEQzMGRpdEMvY2tndz095>

OR

Via teleconference at +1 669 900 6833

Meeting ID: 819 167 755

Password: 614363

1. ROLL CALL

Call to order and self-introductions. If you are unable to attend, please contact Elouise Rodriguez, Senior Administrative Assistant. Your courtesy to the other members to assure a quorum is appreciated.

2. PUBLIC COMMENTS

Any member of the public may address the Committee on any item not on the agenda but within the jurisdiction of the Committee. Under this item, each member of the public is allowed three minutes to address concerns. Comments in items on this agenda may be given when that agenda item is discussed. Persons who wish to address the Committee for public comment or on an item on the agenda are encouraged to submit comments in writing to Maria at maria@tamcmonterey.org by 5:00 pm the Friday before the meeting, and such comments will be distributed to the Committee before the meeting.

3. BEGINNING OF CONSENT AGENDA

Approve the staff recommendations for items listed below by majority vote with one motion. Any member may pull an item off the Consent Agenda to be moved to the end of the **CONSENT AGENDA** for discussion and action.

- 3.1 **APPROVE** the draft minutes of the August 17, 2021 committee meeting.

- Wright

- 3.2 **RECEIVE** 2022 meeting schedule of the eXcellent Transportation Oversight Committee.

- Wright

The eXcellent Transportation Oversight Committee meetings in 2022 follow the existing standard of four meetings per year. The meetings will be held on the third Tuesday of the month in February, April, August and October of 2022 at 2:00 p.m.

END OF CONSENT AGENDA

4. **REVIEW** the Measure X Citizens Oversight Committee Bylaws; and **RECEIVE** the Measure X Transportation Safety & Investment Plan Ordinance.

-Wright/Getzelman

At the request of the Measure X Citizens Oversight Committee, this staff report is a presentation of the Oversight Committee's bylaws. The Measure X Transportation Safety & Investment Plan Ordinance is also provided for reference as requested by the committee.

5. **RECEIVE** update on the quarterly Measure X revenue forecasts and status of regional projects.

- Zeller

Measure X adjusted revenues from January through March 2021 were 8.6% above the same sales period in 2020. This revenue growth continues a trend of rebounding from the 2020 drop in revenues due to the COVID-19 shelter-in-place. Included with the staff report are revenue estimates by jurisdiction through fiscal year 2022/23.

6. **CALL** for nominations and **ELECT** members to serve on the Measure Audit Sub-committee.

- Wright

The Measure X Citizens Oversight Committee is responsible for conducting an independent audit to assure that Measure X funds were expended in accordance with requirements of the Transportation Safety & Investment Plan and to prepare an annual audit report. This report seeks the nomination and election of Oversight Committee members to serve on the audit sub-committee with the Committee's Chair and Vice Chair to conduct the independent audit for fiscal year 2020/2021 and to prepare the annual audit report.

7. ANNOUNCEMENTS

8. ADJOURN

ANNOUNCEMENTS

Next Transportation Oversight Committee meeting:
Tuesday, February 15, 2022 at 2:00 p.m.

REMOTE CONFERENCE ONLY

There will be NO physical location of the meeting.

Remote Meetings: On March 12, 2020, Governor Newsom issued Executive Order N-25-20, which enhanced State and Local Governments ability to respond to COVID-19 Pandemic based on Guidance for Gatherings issued by the California Department of Public Health.

The Executive Order specifically allowed local legislative bodies to hold meetings via teleconference and to make meetings accessible electronically, in order to protect public health. That order expired on September 30, 2021. Governor Newsom has now signed AB 361, and the TAMC Board of Directors approved a resolution to enact AB 361 on September 22, 2021. This legislation permits teleconferencing for Brown Act meetings during a state of emergency. Thus, TAMC meetings will convene remotely, until further notice.

The Transportation Oversight Committee will be notified in advance if conditions warrant or require the February 15,2022 meeting be held in a physical location.

If you have any items for the next agenda, please submit them to:

Theresa Wright

eXcellent Transportation Oversight Committee Coordinator

theresa@tamcomonterey.org

Important Meeting Information

Remote Meetings: On March 12, 2020, Governor Newsom issued Executive Order N-25-20, which enhanced State and Local Governments ability to respond to COVID-19 Pandemic based on Guidance for Gatherings issued by the California Department of Public Health. The Executive Order specifically allowed local legislative bodies to hold meetings via teleconference and to make meetings accessible electronically, in order to protect public health. That order expired on September 30, 2021. Governor Newsom has now signed AB 361, and the TAMC Board of Directors approved a resolution to enact AB 361 on September 22, 2021. This legislation permits teleconferencing for Brown Act meetings during a state of emergency. Thus, TAMC meetings will convene remotely, until further notice. For remote meetings, the public is strongly encouraged to use the Zoom app for best reception. Prior to the meeting, participants should download the Zoom app at: <https://zoom.us/download>. A link to simplified instruction for the use of the Zoom app is: <https://blog.zoom.us/wordpress/2018/07/03/video-communications-best-practice-guide/>.

Remote Meeting Public Comment: Due to current circumstances, there may be limited opportunity to provide verbal comments during remote meetings. Persons who wish to address the Committee for public comment or on an item on the agenda are encouraged to submit comments in writing to maria@tamcmonterey.org by 5:00pm the Monday before the meeting. Such comments will be distributed to the Committee before the meeting. Members of the public participating by Zoom are instructed to be on mute during the proceedings and to speak only when public comment is allowed, after requesting and receiving recognition from the Chair.

Agenda Packet and Documents: Any person who has a question concerning an item on this agenda may call or email the Agency office to make inquiry concerning the nature of the item described on the agenda. Complete agenda packets are on display online at the Transportation Agency for Monterey County website. Documents relating to an item on the open session that are distributed to the Committee less than 72 hours prior to the meeting shall be available for public review at the Agency website. Agency contact information is as follows:

Transportation Agency for Monterey County
www.tamcmonterey.org
Office is closed an all employees are working remotely until further notice
TEL: 831-775-0903
EMAIL: info@tamcmonterey.org

Agenda Items: The agenda will be prepared by Agency staff and will close at noon nine (9) working days before the regular meeting. Any member of the Committee may request in writing an item to appear on the agenda. The request shall be made by the agenda deadline and any supporting papers must be furnished by that time or be readily available.

Alternative Agenda Format and Auxiliary Aids: If requested, the agenda shall be made

available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 USC Sec. 12132), and the federal rules and regulations adopted in implementation thereof. Individuals requesting a disability-related modification or accommodation, including auxiliary aids or services, may contact Transportation Agency staff at 831-775-0903. Auxiliary aids or services include wheelchair accessible facilities, sign language interpreters, Spanish language interpreters, and printed materials in large print, Braille or on disk. These requests may be made by a person with a disability who requires a modification or accommodation in order to participate in the public meeting and should be made at least 72 hours before the meeting. All reasonable efforts will be made to accommodate the request.

CORRESPONDENCE, MEDIA CLIPPINGS, AND REPORTS



Memorandum

To: Measure X Citizens Oversight Committee
From: Theresa Wright, Community Outreach Coordinator
Meeting Date: October 19, 2021
Subject: **Measure X Citizens Oversight Committee Minutes**

RECOMMENDED ACTION:

APPROVE the draft minutes of the August 17, 2021 committee meeting.

ATTACHMENTS:

- Draft August 2021 Minutes - Measure X Citizens Oversight Committee Meeting

TRANSPORTATION AGENCY FOR MONTEREY COUNTY (TAMC)
Measure X Citizens Oversight Committee (X-TOC)
DRAFT minutes of August 17, 2021 Meeting
Held via a Zoom Meeting due to COVID-19 pandemic

Voting Members	FEB 20	MAY 20	JUL 20	OCT 20	NOV 20	FEB 21	APR 21	AUG 21
Kevin Dayton Salinas Valley Taxpayers Association <i>(Rick Giffin)</i>	P	P	P	P	P	P	P	P
Jesus Valenzuela Transit Users <i>(Andrea Manzo)</i>	P	A	P	E	P	P	E	A
Janet Brennan League of Women Voters <i>(Howard Fosler)</i>	P	P	P	P	E	P	P	P
Tom Rowley Monterey Peninsula Taxpayers Association <i>(Rick Heuer)</i>	P	P	P	P	P	P	P	P
Kalah Bumba Senior or disabled services agency <i>(Teresa Sullivan)</i>	P	P	P	P	P	P	A	A
Victoria Beach, Chair Bicycling Advocate <i>(Claire Rygg)</i>	P	P	P	P	P	P	A	A
Rod Smalley Labor Organization <i>(Glen Schaller)</i>	P	P	P	P	P	A	A	P
Cliff Fasnacht Central Coast Builders Association <i>(Kristine O'Dell)</i>	A	A	A	A	A	A	A	A
John Haupt Salinas Valley Chamber of Commerce <i>(John Bailey)</i>	A	P	P	E	A	A	P	A
Jonathan Geisler Monterey Peninsula Chamber of Commerce <i>(Monica Lal)</i>	P	P	P	P	A	A	P	A
Scott Waltz Habitat Preservation <i>(Rachel Saunders, Big Sur Land Trust)</i>	P	P	P	P	P	P	P	E
Barbara Meister Hospitality <i>(Sam Teel)</i>	P	P	P	P	P	P	P	E

Norm Groot Agriculture <i>(Paul Arnaudo)</i>	P -	P -	P -	P P(A)	P P(A)	A P(A)	P P(A)	P P(A)
Joshua Jorn Education <i>(Jarrett Garife, Patrick Deberdt)</i>	A -	A -	A P(A)	A -	A -	A -	A -	A -
Paula Getzelman South County <i>(Carol Kenyon)</i>	P -	P -	P -	P P(A)	P P(A)	P P(A)	P -	P P(A)
Chris Barrera Latino Organization <i>(vacant)</i>	P -	P P(A)	P V	P V	P V	P V	P V	E V
Ron Rader North County <i>(Scott Freeman)</i>	P -	A -	A -	A -	E -	A -	A -	A -
Laurie Eavey Pedestrian <i>(Robin Lee)</i>	P -	P -	P -	P -	A P(A)	P -	P -	A P
Natalie Olivas Youth/College <i>(Gabriella Ulloa)</i>	P V	P V	P V	A P(A)	P P(A)	A -	P -	P P(A)
Sean Hebard Construction <i>(Keith Severson)</i>	P P(A)	P P(A)	P P(A)	P -	P P(A)	P P(A)	P P(A)	P P(A)
TRANSPORTATION AGENCY STAFF								
Debbie Hale Executive Director	P	P	P	P	P	P	P	P
Todd Muck, Deputy Executive Director	E	P	P	P	P	P	P	P
Theresa Wright, Community Outreach Coordinator	P	P	E	P	P	P	P	P
Mike Zeller, Principal Transportation Planner	E	P	P	P	P	P	P	P
Katherine Hansen, Legal Counsel	P	E	E	E	-	-	-	-
Rita Goel, Deputy for Admin & Finance	E	E	E	E	-	-	-	-
Madilyn Jacobsen, Transportation Planner	P	P	P	P	-	P	P	P
Laurie Williams, Transportation Engineer	E	P	E	P	-	-	-	-
Maria Montiel, Administrative Assistant	P	P	P	P	P	P	P	P
Ariana Green, Senior Transportation Planner	E	P	E	-	-	-	-	-
Tracy Burke, Go831 Program Coordinator	-	-	P	-	-	-	-	-

(alternate) P = present E = excused absence A = unnoticed absence - = alternate absent V = vacant position								
OTHERS PRESENT								
Jessica McKillip	Member of Public							

1. WELCOME

Kevin Dayton, Past Committee Chair, called the meeting to order at 2:00 p.m. Past Chair Dayton asked Maria Montiel, TAMC’s Administrative Assistant, to take the roll.

2. PUBLIC COMMENT

Executive Director Jessica McKillip, Independent Transportation Network (ITN) mentioned that ITN Monterey County is a Measure X cycle 2 recipient. She noted that they are in the process of embarking in their rural efforts and currently doing outreach in partnership with Alliance on Aging and looking at the South County needs.

3. CONSENT AGENDA

M/S/C Getzelman /Groot /unanimous
Abstaining: Robin Lee and Victoria Beach

Approved draft minutes of the April 20, 2021, committee meeting.

4. US 101 SOUTH OF SALINAS SAFETY PROJECT UPDATE

The Committee received a preliminary concept of the US 101-South of Salinas corridor study and proposed public outreach.

Doug Bilsse, Principal Engineer presented on the US 101 between Chualar interchange and the Airport Boulevard interchange in the City of Salinas. The study will consider alternatives to the existing uncontrolled exit and entrance points along US 101. In conclusion Mr. Bilsse noted that the current proposal under consideration involves upgrading the existing interchange at Abbott Street and utilizing a network of frontage roads adjacent to US 101 to serve the rerouted traffic. A virtual town hall meeting is scheduled for 6:30 pm on September 2, 2021.

The Committee had the following comments and input on the US 101 South of Salinas project update:

- Proposed frontage roads need to address future traffic, especially at intersections currently experiencing long queues during peak congestion
- Consider transit and bicycle facilities as part of proposed improvements
- Consider examining a new interchange at Spence Road
- Consider examining a new interchange between the existing US 101 interchanges at Airport Road and Abbott Street

5. MEASURE X SENIOR & DISABLED PROGRAM UPDATE

The Committee received an update on Cycle 2 of the Measure X Senior and Disabled Program’s fiscal year 2020-2021 activities.

Madilyn Jacobsen, Transportation Planner presented that the purpose of the Measure X Senior & Disabled Transportation Services Program is to increase transportation services for seniors and persons with disabilities to support their ability to live independently in their homes and communities. Ms. Jacobsen went over the grant activities from fiscal year 2020-21 from the four grant recipients awarded Cycle 2 funding.

The Committee had the following comments and input on Cycle 2 of the Measure X Senior and Disabled Program:

- Coordinate with Monterey-Salinas Transit on overlapping services
- Consider an annual award program
- Consider awardees utilizing coordination services to connect with MST for longer trips
- Partner with other transportation connections to enhance services

6. STATE CLIMATE ACTION PLAN

The Committee received a presentation on California’s State Climate Action Plan.

Mike Zeller, Principal Transportation Planner reported on the draft Climate Action Plan for Transportation Infrastructure. He noted that the Plan details how the state recommends investing billions of discretionary transportation dollars annually to aggressively combat and adapt to climate change while supporting public health, safety and equity. He went over the seven strategy areas that were included in the agenda. In conclusion Mr. Zeller reported that over the next coming months, the California Transportation Commission will begin developing new guidelines for the competitive Senate Bill 1 programs that will work to implement the strategies outlined in the Plan.

The Committee had the following comments and input on the California’s State Climate Action Plan:

- Consider looking at implementing more multi corridor opportunities
- Consider looking at multimodal highway improvements
- Consider more rider estimates on future projects

7. FEDERAL INFRASTRUCTURE PROPOSALS

The Committee received a report on federal infrastructure.

Executive Director Debbie Hale reported that the Senate has passed the infrastructure bill and the House bill has not taken up the infrastructure bill. She mentioned that the federal bill provides \$550 billion in new funds for road and bridge safety projects. TAMC will be focusing opportunities to apply for funding for the US 101 and Highway 68 projects. Director Hale also noted that the Senate bill provides funding for wildlife crossings that could be applied to the Highway 68 project. In conclusion, Executive Director Hale noted that the House authorization bill included \$2 million for a US 101 South of Salinas federal earmark but is not included in the Senate bill.

Committee member Norm Groot mentioned that he met with Congressman Jimmy Panetta staff, and the House of Representatives has been called back to Washington and will meet on Monday, August 23 to consider the infrastructure bill approved by the Senate.

Committee member Victoria Beach thanked Executive Director Debbie Hale for her 20 years of service to TAMC.

8. ANNOUNCEMENTS AND/OR COMMENTS

Committee member Howard Fosler mentioned that there have been numerous public comments expressing serious concerns about the SURF! project. He asked if the committee felt the project should be revisited or if the committee was satisfied with their oversight of the project. Mr. Dayton asked for a staff report at the next meeting to clarify the issue. He requested that the report should include the language in the Measure X Ballot Measure which authorizes the project; and the responsibilities of the committee as define in the ballot language and committee bylaws.

Committee member Paula Getzelman asked for an update on the status of the City of Sand City's Measure X maintenance of effort compliance. Mike Zeller replied that TAMC staff continues to work with the City of Sand City, and they are waiting to hear from the State on the state maintenance of effort requirements. An update will be brought to the Committee at a future meeting date.

Theresa Wright announced the next Committee meeting is scheduled for Tuesday, October 19. Staff will provide notification regarding whether or not the meeting will be virtual, hybrid or in person.

9. ADJOURNMENT

Past Chair Dayton adjourned the meeting at 4:02 p.m.



Memorandum

To: Measure X Citizens Oversight Committee
From: Theresa Wright, Community Outreach Coordinator
Meeting Date: October 19, 2021
Subject: **2022 Committee Meeting Schedule**

RECOMMENDED ACTION:

RECEIVE 2022 meeting schedule of the eXcellent Transportation Oversight Committee.

SUMMARY:

The eXcellent Transportation Oversight Committee meetings in 2022 follow the existing standard of four meetings per year. The meetings will be held on the third Tuesday of the month in February, April, August and October of 2022 at 2:00 p.m.

FINANCIAL IMPACT:

None

DISCUSSION:

On March 12, 2020, Governor Newsom issued Executive Order N-25-20, which enhanced State and Local Governments ability to respond to COVID-19 Pandemic based on Guidance for Gatherings issued by the California Department of Public Health. The Executive Order specifically allowed local legislative bodies to hold meetings via teleconference and to make meetings accessible electronically, in order to protect public health. That order expired on September 30, 2021. Governor Newsom has now signed AB 361, and the TAMC Board of Directors approved a resolution to enact AB 361 on September 22, 2021. This legislation permits teleconferencing for Brown Act meetings during a state of emergency. Thus, TAMC meetings will convene remotely, until further notice.

In keeping with AB 361 and the resolution approved by the TAMC Board of Directors, the Measure X Citizen Oversight Committee will continue to be held remotely via teleconference until it is deemed safe to resume in-person meetings.

The Measure X Citizen Oversight Committee will meet on the following dates in 2022:

- February 15
- April 19
- August 16
- October 18

The 2022 schedule follows the existing standard of four meetings per year, held on the third Tuesday of the month in February, April, August and October at 2:00 p.m.

ATTACHMENTS:

- Measure X Citizen Oversight Committee 2022 Meeting Schedule

Measure X Citizen Oversight Committee



2022 Committee Calendar REMOTE CONFERENCE ONLY, PENDING FURTHER NOTIFICATION

Committee Teleconference Meetings:

- 2:00 p.m., Tuesday, February 15, 2022
- 2:00 p.m., Tuesday, April 19, 2022
- 2:00 p.m., Tuesday, August 16, 2022
- 2:00 p.m., Tuesday, October 18, 2022

REMOTE CONFERENCE Join meeting online at

<https://us02web.zoom.us/j/819167755?pwd=VE91U1FBK1lwOEQzMGhpdEMvY2tndz095>

OR

Via teleconference at +1 669 900 6833

Meeting ID: 819 167 755

Password: 614363

“The Transportation Agency for Monterey County (TAMC) is responsible for investing in regional transportation projects for Monterey County residents, businesses and visitors. The mission of TAMC is to develop and maintain a multimodal transportation system that enhances mobility, safety, access, environment quality and economic activities in Monterey County.”



Memorandum

To: Citizens Oversight Committee
From: Theresa Wright, Community Outreach Coordinator
Meeting Date: October 19, 2021
Subject: Measure X Citizens Oversight Committee Bylaws

RECOMMENDED ACTION:

REVIEW the Measure X Citizens Oversight Committee Bylaws; and **RECEIVE** the Measure X Transportation Safety & Investment Plan Ordinance.

SUMMARY:

At the request of the Measure X Citizens Oversight Committee, this staff report is a presentation of the Oversight Committee's bylaws. The Measure X Transportation Safety & Investment Plan Ordinance is also provided for reference as requested by the committee.

FINANCIAL IMPACT:

None.

DISCUSSION:

During the August 2021 Measure X Citizens Oversight Committee meeting, member Fosler stated that there have been numerous public comments expressing serious concerns about the SURF! project. He asked if the committee felt the project should be revisited or if the committee was satisfied with their oversight of the project. In response to his questions, member Dayton asked for a staff report to clarify the issue at their next meeting. He also requested staff to include the language in the Measure X Ballot Measure which authorizes the project, and the responsibilities of the committee as defined in the ballot language and committee bylaws.

The Measure X Citizens Oversight Committee was formed on March 22, 2017, in order to facilitate the Transportation Agency's Transportation Safety and Investment Plan and Retail Transaction and Use Tax Ordinance 2016-01. The Oversight Committee's purpose is to be an additional layer of transparency so that the public is assured that the Transportation Agency, the County of Monterey and the participating cities are operating consistent with the terms of the Ordinance.

Their duties as defined in the Policies & Project Descriptions for the Transportation Safety & Investment Plan are as follows:

- Conduct independent audits to assure that funds are being expended in accordance with requirements of the Transportation Safety & Investment Plan;
- Review and make recommendations on any proposed changes to the plan, prior to the Transportation Agency Board consideration;
- Review and comment on project delivery schedules as represented in the Strategic Expenditure Plan and make

- recommendations to the Transportation Agency on any proposals for changing project delivery priorities; and
- Prepare annual reports regarding the administration of the program, to be presented to the Transportation Agency Board of Directors and available for public review.

On April 26, 2017, the Transportation Agency Board of Directors approved the Measure X Citizens Oversight Committee Bylaws which governs the committee. The Bylaws were modified on August 28, 2019 to change the term of office for the committee's Chair and Vice Chair, and to clarify the language in the attendance, voting, communication and conflicts of interest sections of the bylaws.

Attached to this report are the Measure X Citizens Oversight Committee Bylaws and the Measure X Transportation Safety & Investment Plan Ordinance. The Ordinance, known as Measure X is anticipated to raise \$30 million annually for an anticipated \$600 million over 30 years.

ATTACHMENTS:

- ▢ Measure X Bylaws-2019
- ▢ Measure X Transportation Safety & Investment Plan Ordinance

TRANSPORTATION AGENCY FOR MONTEREY COUNTY

*55-B Plaza Circle, Salinas, California 93901
(831) 775-0903*

MEASURE X CITIZENS OVERSIGHT COMMITTEE BYLAWS

Approved by TAMC on April 26, 2017

The Measure X Citizens Oversight Committee (Committee), known as the eXcellent Transportation Oversight Committee, was formed by the Transportation Agency for Monterey County Board of Directors in order to facilitate the Transportation Agency For Monterey County Transportation Safety and Investment Plan and Retail Transactions and Use Tax Ordinance 2016-01 (Ordinance). The Ordinance was submitted to the voters of Monterey County and approved on November 8, 2016. Appointed members of the Committee, under the terms and conditions outlined by the Ordinance, serve as an oversight committee to review and report on the revenue and expenditure of funds generated from the sales tax.

I. PURPOSE AND DUTIES

Ordinance 2016-01, otherwise known as Measure X, requires annual performance and financial audits by the Transportation Agency for Monterey County (TAMC) and participating jurisdictions, as well as citizen oversight to assure the public that the revenue raised is properly used.

The Ordinance established an Expenditure Plan to ensure that Measure X funds would be dedicated solely 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. This Expenditure Plan was approved by all affected jurisdictions, and by the voters in approving Measure X. The purpose of the Oversight Committee is to be an additional layer of transparency so that the public is assured that TAMC, the County of Monterey and the participating cities are operating consistent with the terms of the Ordinance.

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 purpose and duties of the Committee are to review the operations of jurisdictions receiving and spending Measure X funds, and make recommendations to the TAMC Board, as follows:

- 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 the Transportation Safety and Investment Plan;
- B. Plan Changes: Review and make recommendations on any proposed changes to the plan, prior to Transportation Agency Board consideration;
- C. Project Delivery and Priorities: Review and comment on project delivery schedules as represented in the Strategic Expenditure Plan and make recommendations to the Transportation Agency on any proposals for changing project delivery priorities; and
- D. Annual and Final Reports: Prepare annual reports regarding the administration of the program, to be presented to the Transportation Agency Board of Directors and available for public review.

II. MEMBERSHIP

Members serve without compensation. Membership shall include one representative and at least one alternate from each of the following organizations or interests, as approved by the TAMC Board:

- League of Women Voters
- A bonafide taxpayer association from the Salinas Valley
- A bonafide taxpayer association from the Monterey Peninsula
- Senior or disabled services agency
- Pedestrian or bicycle transportation advocate
- Transit users
- Labor organization
- Central Coast Builders Exchange
- Chamber of Commerce-Salinas Valley
- Chamber of Commerce-Monterey Peninsula
- Agriculture
- Habitat preservation
- Hospitality
- Education
- South County
- North County
- Latino Organization
- Youth/College

- Pedestrian

A “Member” is the organization or interest. Member representatives and their alternates shall be nominated by the bonafide organization they are representing and appointed by the Transportation Agency Board of Directors. Additional members may be appointed by the Transportation Agency Board of Directors to assure that a broad range of geographic and stakeholder interests are represented on the committee; however, in no case shall Committee membership exceed 20.

Vacancies in Member organization of interest may occur upon the resignation, disability, or removal by the TAMC Board of Directors for lack of participation or other good cause, as determined by the Board by majority vote. Upon the occurrence of a vacancy, the Agency’s Board of Directors may call for additional nominations. If the representative or alternate whose departure caused the vacancy was nominated by an organization, that organization may nominate a potential replacement. Nominees shall be appointed to serve on the Committee by the Agency’s Board of Directors. Vacancies shall be filled only for the unexpired term of the departing Member representative/alternate.

III. OFFICERS AND TERM OF OFFICE

The Committee shall have the following officers: a Chairperson, a Vice Chairperson, and an Audit Sub-Committee Chair, who shall be elected by the general membership of the Committee.

Election of officers shall be held at the initial meeting of the Committee and take effect immediately. Thereafter, election of officers shall take place at the last Committee meeting of each calendar year and will take effect in January of the following year. Effective September 1, 2019, the term of office shall be for two (2) years. No officer shall serve more than two consecutive terms. Upon resignation of an officer, a special election for the office will be held.

The Chairperson shall preside over all committee meetings, may vote on all matters, appoint ad-hoc subcommittees, and call special meetings. The Chairperson shall report to the TAMC Board, as directed by the Committee. Ad-hoc subcommittees may be formed, but only upon consultation with TAMC staff and Legal Counsel, and only for periods of less than six months.

The Vice Chairperson shall serve in the absence of the Chairperson and perform such other duties as requested by the Chair. In the event that the Chairperson or Vice Chairperson are not present at the meeting, the Audit Sub-Committee Chair shall serve. In the event that all three officers are absent, the Committee may select a member to chair that particular meeting.

The Audit Sub-Committee Chair shall preside over the sub-committee on independent audits and assist with the preparation of the Measure X Annual report regarding the administration of the program, to be presented to the Transportation Agency Board of Directors and available for public review.

IV. TERM OF MEMBERSHIP

The term of membership on the Committee shall be two years. Initial Member terms shall be staggered with half serving a 2-year term and half serving a 3-year term as specified in Exhibit A to these By-Laws. Any Member representative may be reappointed by the TAMC Board of Directors to a 2-year term for an unlimited number of terms.

V. ATTENDANCE

Attendance at all Committee meeting is expected. Member representatives who miss more than two (2) Regular Meetings within a twelve (12) month period without due cause shall have their appointment automatically terminated. "Due cause" is defined as calling the TAMC staff liaison in advance of the meeting and providing a reason for not attending. Member representatives are expected to notify their Alternate and request their attendance at the Committee meeting in the event of their absence.

VI. QUORUM

In order to transact any business or take action a quorum must be present. A quorum of the eXcellent Transportation Oversight Committee shall consist of a majority of the number of memberships actually filled at that time; the existence of any vacancies shall not be counted for purposes of establishing a quorum.

VII. MEETINGS

Meetings shall be held at a specific time and place that the Committee determines to be convenient for the majority of the members. Meetings shall be open to the public and shall conform to the Open Meeting Laws, commonly known as the Ralph M. Brown Act (California Government Code sections 54950 et seq.) Time allotted for the public to present their view to the Committee on the Transportation Safety & Investment Plan issues will be determined by the Chair, in consultation with staff, in order to ensure that Committee business is completed, but shall not be less than 2 minutes nor more than 4 minutes, absent extraordinary circumstances.

VIII. LIMITATION OF DISCUSSION

Discussion on any particular matter by Committee members or by any member of the general public may be limited at the discretion of the Chair to such a length of time as the Chair may deem reasonable under the circumstances.

IX. MINUTES

The minutes of the meetings will be kept by the TAMC staff, and reviewed and approved by the Committee, noting the members and visitors present, motions entertained, and actions taken at each meeting.

X. VOTING

Consensus is encouraged as the Committee serves an oversight role for the public and advisory role to the TAMC Board of Directors. Should voting take place, each Member organization/interest shall have one (1) vote. Voting on all matters shall be on a voice vote unless any Member in attendance requests a roll call. The vote of the majority of the Committee members present at any regular, continued or special meeting shall be sufficient to pass or act upon any matter properly before the Committee.

XI. COMMUNICATIONS

The Committee as a whole may communicate freely with elected or appointed bodies, public or private agencies or individuals to obtain input or opinions related to the purpose and duties of the Committee. Individual Committee Members representatives/alternates, other than the three officers, may only communicate on behalf of the Committee as directed by the Committee. Unless approved by the Committee as a whole, or as delegated by the Committee, any request, opinion or statement from a Member representative/alternate must include a disclaimer that the request, opinion or statement is that of the individual only, and not the Committee. Copies of all correspondence originating with the Committee should be included, as soon as possible after it occurs, in the TAMC agenda packets.

XII. CONFLICT OF INTEREST

The role of the Committee is to review and oversee the actions of TAMC and participating jurisdictions in their adherence to the Investment Plan under Measure X, and not to take any particular action itself. Nevertheless, a Committee member shall disqualify himself/herself from making, participating in, or attempting to influence any Committee decision which will have a foreseeable material financial effect, distinguishable from its effect on the public generally, on:

- 1) any real property in which said person has a direct or indirect interest worth more than \$2000;
- 2) any source of income aggregating \$250 or more in value provided to, received by, or promised to said persons within twelve (12) months prior to the time when the decision is made; or
- 3) any business entity in which said person is a director, officer, partner, trustee, employee, or holds any position of management.

XIII. STAFF ASSISTANCE

TAMC Staff shall assist in providing information, preparing meeting agendas as directed by the Chair, and generally assist the Committee. At least one member of the TAMC staff will be present at all meetings.

Review of reports or proposals, preparation of draft written communications, verbal or personal contacts with individual agencies and other related activities shall be done by the Committee as a whole or by Subcommittees.

TAMC staff shall provide annual training on conflicts of interest law and Brown Act compliance.

XIV. AMENDMENTS TO THE BYLAWS

The bylaws may be amended at any regular meeting of the Transportation Agency for Monterey County Board of Directors by a majority of the voting membership of the Board of Directors, provided that written notice of the proposed amendment is delivered to each member of the Committee not less than one (1) week prior to the meeting.



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**



Memorandum

To: Citizens Oversight Committee
From: Michael Zeller, Principal Transportation Planner
Meeting Date: October 19, 2021
Subject: Measure X Quarterly Revenue Forecast

RECOMMENDED ACTION:

RECEIVE update on the quarterly Measure X revenue forecasts and status of regional projects.

SUMMARY:

Measure X adjusted revenues from January through March 2021 were 8.6% above the same sales period in 2020. This revenue growth continues a trend of rebounding from the 2020 drop in revenues due to the COVID-19 shelter-in-place. Included with the staff report are revenue estimates by jurisdiction through fiscal year 2022/23.

FINANCIAL IMPACT:

Prior to Monterey County voters adopting Measure X in November 2016, revenues were conservatively estimated to be \$20 million per year. Actual revenues have been significantly higher, with 2018/19 receipts (the second full year of Measure X receipts) totaling \$30.5 million. Measure X revenues dropped to \$28.198 million in 2019/20, but are projected to rise to \$32.01 million in 20/21. Fiscal year 2021/22 revenues are projected to be slightly less, at \$30.665 million.

DISCUSSION:

The State’s response to the pandemic and the limitations it placed on travel and commuting had an immediate and negative effect on sales at gas stations, hotels, and restaurants. Conversely, auto sales and construction activity, along with online purchasing, posted strong gains again in this quarter.

The net effect is that Measure X sales tax revenues exceeded prior projections this past fiscal year, and are forecast to remain steady in subsequent years. The latest 2020/21 revenue forecast of \$32.01 million is significantly higher than the originally projected \$30.109 million. In 2021/22, a slight 4.5% decrease to \$30.665 million is expected, however this remains significantly higher than the original \$20 million per year estimated for Measure X revenues. These projections are subject to change as the full implications of the COVID-19-related economic impacts are realized. The recent growth reflects the ending of the COVID-19 stay-at-home orders in January 2021, statewide restrictions ending June 15, 2021, and a successful widespread vaccine deployment.

Since 60% of the Measure X funds are allocated to the cities and County, the increased revenues will primarily accrue local road and street projects.

With regards to regional projects, the conservative approach taken by the Agency will provide full-funding for near-term projects as programmed in the 2021 Integrated Funding Plan (an update to the funding plan will be brought to the Board at

the October 2021 meeting). The Measure X program's existing fund balance along with new revenues will allow the program of regional projects to stay on track to meet programmed local match requirements for the next five years.

Priority regional projects that are expected to start construction during the five-year time frame include:

- Imjin Road Widening project, which uses \$18.1 million of Measure X funds as match to a \$19 million Senate Bill 1 Local Partnership Program grant;
- Highway 218 Segment of the Fort Ord Regional Trail and Greenway, which uses \$1.0 million of Measure X funds as a match to a \$9.2 million Active Transportation Program grant; and,
- State Route 156 / Castroville Boulevard project, which received a \$20 million Senate Bill 1 Trade Corridors grant that is matched with \$389,000 in Measure X monies and \$5 million in developer fees.

ATTACHMENTS:

- ▢ Measure X First Quarter 2021 Update
- ▢ Measure X Local Road Maintenance Revenue Projections by Jurisdiction

TAMC - MEASURE X

SALES TAX UPDATE

1Q 2021 (JANUARY - MARCH)



TAMC - MEASURE X

TOTAL: \$ 6,848,954

8.6%
1Q2021



5.2%
COUNTY

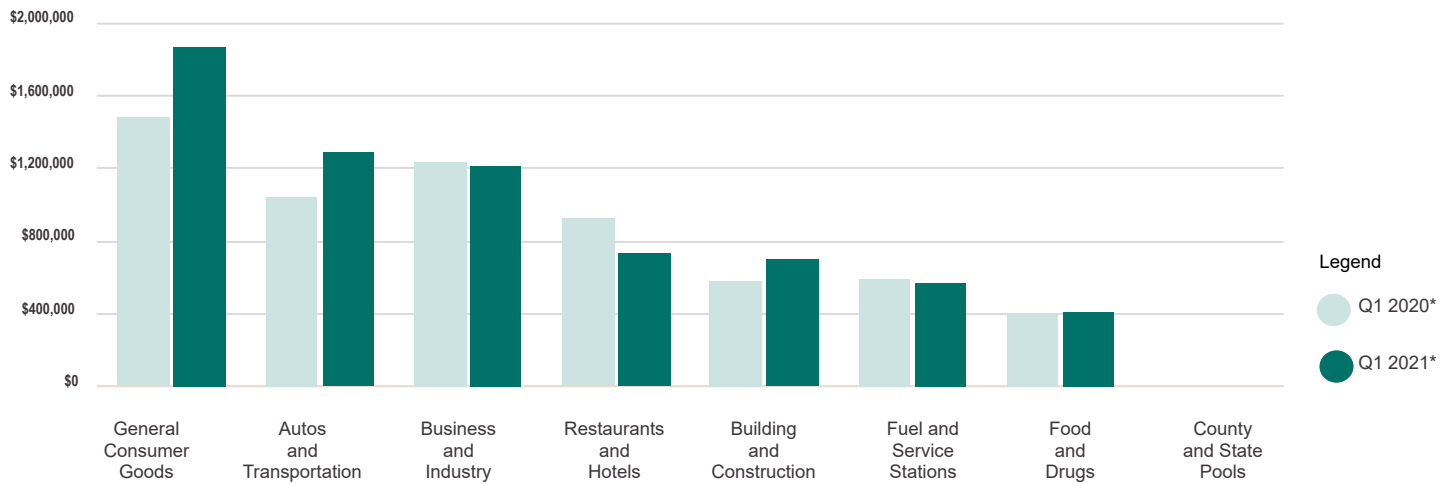


9.5%
STATE



**Allocation aberrations have been adjusted to reflect sales activity*

SALES TAX BY MAJOR BUSINESS GROUP



MONTEREY COUNTY (TAMC) - MEASURE X HIGHLIGHTS

Monterey County (TAMC) – Measure X’s place of sale receipts from January through March were 37.1% above the first sales period in 2020. However, significant adjustments for delayed payments, and other reporting modifications resulted in actual sales that increased 8.6%.

Greater spending in most general consumer

goods segments, including apparel, sporting goods, home furnishings and specialty stores, reflected increased foot traffic and buying activity in the county’s shopping centers – as well as online merchandise purchasing. Mirroring a statewide trend, new auto sales helped drive an impressive 23.4% spike in autos-transportation

revenues. Home/building projects and the high cost of lumber continued during the quarter – pushing building-construction revenues up. Agriculture and farm supply sales and repair shop/equipment rentals improved – although several other sectors pulled down the total business-industry proceeds.

TOP NON-CONFIDENTIAL BUSINESS TYPES

Monterey County (TAMC) - Measure X			HdL State	
Business Type	Q1 '21*	Change	Change	
New Motor Vehicle Dealers	769.8	31.5%	33.2%	↑
Service Stations	448.2	-4.1%	-3.8%	↓
Discount Dept Stores	406.9	21.1%	8.4%	↑
General Merchandise	385.6	44.3%	7.1%	↑
Building Materials	368.8	22.7%	18.9%	↑
Casual Dining	294.0	-17.1%	-18.9%	↓
Quick-Service Restaurants	257.4	1.6%	1.1%	↑
Contractors	232.5	18.5%	3.6%	↑
Used Automotive Dealers	205.5	27.8%	10.3%	↑
Electronics/Appliance Stores	194.9	28.0%	1.4%	↑

**Allocation aberrations have been adjusted to reflect sales activity*

**In thousands of dollars*

Conversely, gains in fast-casual dining were eclipsed by declines in other dining categories – as well as in hotels/leisure – all of which were severely impacted by closures and occupancy restrictions. Fuel and service station revenues reflected reduced driving miles and lower fuel prices during the quarter.

Net of adjustments, taxable sales for all of Monterey County grew 5.2% over the comparable time period; the Central Coast region was up 9.7%.

Transportation Agency for Monterey County

REVISED - September 2021

Measure X - Transportation Safety & Investment Plan

2021 Cash Flow & Revenue Forecast

	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23
Revenues	Actual	Actual	Actual	Actual	HdL Forecast	HdL Forecast
Measure X Sales Tax Revenue	\$ 28,026	\$ 30,461	\$ 28,198	\$ 32,100	\$ 30,665	\$ 31,495
<i>Growth</i>	N/A	8.7%	-7.4%	13.8%	-4.5%	2.7%
Local Road Maintenance (60%, less Administrative Costs)	\$ 16,635	\$ 18,132	\$ 16,805	\$ 19,131	\$ 18,276	\$ 18,771
<i>Carmel</i>	\$ 196	\$ 214	\$ 198	\$ 214	\$ 205	\$ 210
<i>Del Rey Oaks (loan repayment)</i>	\$ 71	\$ 78	\$ 72	\$ 83	\$ 79	\$ 81
<i>Gonzales (loan repayment)</i>	\$ 230	\$ 217	\$ 201	\$ 282	\$ 269	\$ 276
<i>Greenfield</i>	\$ 427	\$ 466	\$ 433	\$ 553	\$ 528	\$ 543
<i>King City</i>	\$ 389	\$ 424	\$ 393	\$ 463	\$ 442	\$ 454
<i>Marina</i>	\$ 671	\$ 733	\$ 680	\$ 852	\$ 814	\$ 836
<i>Monterey</i>	\$ 1,028	\$ 1,123	\$ 1,042	\$ 1,098	\$ 1,049	\$ 1,078
<i>Pacific Grove</i>	\$ 558	\$ 609	\$ 565	\$ 659	\$ 630	\$ 647
<i>Salinas</i>	\$ 4,248	\$ 4,639	\$ 4,308	\$ 4,889	\$ 4,670	\$ 4,797
<i>Sand City</i>	\$ 28	\$ 31	\$ 28.62	\$ 32	\$ 31	\$ 32
<i>Seaside</i>	\$ 1,008	\$ 1,101	\$ 1,023	\$ 1,088	\$ 1,039	\$ 1,067
<i>Soledad</i>	\$ 570	\$ 622	\$ 577	\$ 730	\$ 698	\$ 717
<i>County</i>	\$ 7,213	\$ 7,874	\$ 7,285	\$ 8,188	\$ 7,822	\$ 8,034



Memorandum

To: eXcellent Transportation Oversight Committee
From: Theresa Wright, Community Outreach Coordinator
Meeting Date: October 19, 2021
Subject: Election of Audit Sub-Committee

RECOMMENDED ACTION:

CALL for nominations and **ELECT** members to serve on the Measure Audit Sub-committee.

SUMMARY:

The Measure X Citizens Oversight Committee is responsible for conducting an independent audit to assure that Measure X funds were expended in accordance with requirements of the Transportation Safety & Investment Plan and to prepare an annual audit report. This report seeks the nomination and election of Oversight Committee members to serve on the audit sub-committee with the Committee's Chair and Vice Chair to conduct the independent audit for fiscal year 2020/2021 and to prepare the annual audit report.

FINANCIAL IMPACT:

None.

DISCUSSION:

In accordance with the Policies & Project Descriptions for the Transportation Safety & Investment Plan, a Citizens Oversight Committee representing a diverse range of community interests was formed within six months of voter approval of Measure X in November 2016. Members of the committee were appointed to serve by the Transportation Agency's Board of Directors on March 22, 2017 and the following month the Board approved the Measure X Citizens Oversight Committee Bylaws which govern the committee. The Committee meets about four times per year to receive project and program updates and review the audit of the agencies receiving Measure X funds.

The Measure X Citizens Oversight Committee was formed in order to facilitate the Transportation Agency's Transportation Safety and Investment Plan and Retail Transaction and Use Tax Ordinance 2016-01. The Oversight Committee's purpose is to be an additional layer of accountability so that the public is assured that the Transportation Agency, the County of Monterey and the participating cities are operating consistent with the terms of the Ordinance.

The Committee's duties as defined in the Policies & Project Descriptions for the Transportation Safety & Investment Plan are as follows:

- Conduct independent audits to assure that funds are being expended in accordance with requirements of the Transportation Safety & Investment Plan;
- Review and make recommendations on any proposed changes to the plan, prior to the Transportation Agency Board consideration;
- Prepare annual reports regarding the administration of the program, to be presented to the Transportation

Agency Board of Directors and available for public review.

In accordance with the duties defined in the Policies & Projects Descriptions for the Transportation Safety & Investment Plan, this staff report seeks the nomination and election of Measure X Citizens Oversight Committee members to serve on the audit sub-committee with the Committee's Chair and Vice Chair to conduct the independent audit and prepare the annual Measure X Citizen Oversight Annual Report.