Madera County Transportation Authority
Measure T Renewal
Ordinance No. 2024-01

The Madera County 2006 Transportation Authority ordains as follows:

SECTION 1. TITLE. This Ordinance shall be known and may be cited as, "Measure T: Local Transportation Funding Measure" which shall renew a retail transaction and use tax.

SECTION 2. DEFINITIONS.

2.01 "Authority" means the Madera County 2006 Transportation Authority as the Local Transportation Authority as designated by the Madera County Board of Supervisors, pursuant to the Local Transportation Authority and Improvement Act set forth at California Public Utilities Code Section 180000 et seq.

2.02 "County" means the County of Madera. County includes both the incorporated and unincorporated county of Madera.

2.03 "Department" means the California Department of Tax and Fee Administration.

2.04 "Expenditure Plan" means the Expenditure Plan attached to this Ordinance as **Exhibit "A"** and incorporated herein.

2.05 "Maintenance of Effort" means a jurisdiction must demonstrate maintenance of a minimum level of local street and road expenditures in order to receive Local Streets and Roads funds.

2.06 "Operative Date" means the first day of the first calendar quarter commencing more than 110 days after the adoption of the ordinance. If the Ordinance is approved by the requisite vote of the electors voting on this Ordinance at the election held on November 5, 2024, the Operative Date shall be April 1, 2027.

2.07 "Ordinance" means the Measure T: Local Transportation Funding Measure ordinance which renews the existing retail transaction and use tax of the Authority.

2.08 "2006 Measure T" means the transactions and use tax levied currently pursuant to Ordinance 2006-01 of the Authority.

SECTION 3. EXPENDITURE PLAN PURPOSES.

3.01 This Ordinance provides for the implementation of a new Expenditure Plan, as approved and adopted by the Authority, which will result in countywide local street and road improvements, improvements in emergency response and evacuation routes, street widening, signalization, pedestrian, bicyclist, and driver safety improvements. These needed improvements shall be funded by a one-half of one percent retail transactions and use tax established for a twenty-

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year period. The revenues shall be deposited in a special fund, used solely for the transportation projects, improvements, and programs described in the Expenditure Plan attached as Exhibit A hereto which is considered a part of this Ordinance and hereby incorporated by reference as if fully set forth herein.

SECTION 4. ADMINISTRATIVE EXPENSES.

4.01 The revenues received by the Authority from this Ordinance, after deduction of the required Department costs for performing the functions specified in section 180204 of the Public Utilities Code, reimbursing the County of Madera for its costs in conducting the election if the measure is approved in accordance with section 180203(a) of the Public Utilities Code, and after deduction for the administration of the Expenditure Plan pursuant to the provisions of the Public Utilities Code commencing with section 180200.

4.02 Revenues may be expended by the Authority for salaries, wages, benefits, overhead, auditing and those services including contractual services necessary to administer this Ordinance; however, in no event shall an amount exceeding one percent (1.0%) of the annual revenue provided by this Ordinance go towards paying the administrative salaries and benefits of the staff of the Authority. The costs of performing or contracting for project-related work shall be paid from the revenues allocated to the appropriate purpose.

4.03 An annual independent audit shall be conducted to assure that the revenues expended by the Authority under this section are necessary and reasonable in carrying out its responsibilities under this Ordinance.

SECTION 5. REQUEST FOR ELECTION.

5.01 The Authority hereby calls an election and hereby requests the Madera County Board of Supervisors place this Ordinance before the voters for approval at the election on November 5, 2024.

5.02 The proposition to be placed on the ballot shall contain a summary of the projects, improvements, and programs and shall read substantially as follows:

> To keep local streets, highways, infrastructure in good repair; fix potholes, pave local streets; improve highway safety, evacuation routes/emergency vehicle access; retrofit older bridges/ overpasses; qualify for matching funds; require 80% of funds for local roads, shall an ordinance be adopted continuing Madera County's voter-approved half-cent sales tax without increasing the tax rate, renewing $22,000,000 annually for 20 years starting in 2027, with citizen oversight, audits, public spending disclosure and all money staying local?"

SECTION 6. EFFECTIVE, OPERATIVE AND TERMINATION DATES.

6.01 This Ordinance shall become effective following certification of the votes of the election on November 5, 2024, related to this measure if a two-thirds majority of the electors

voting on this Ordinance at the election held on November 5, 2024 vote to approve the Ordinance. If so approved, the provisions of this Ordinance shall become operative on April 1, 2027, following the sunset of the 2006 Measure T, and shall be imposed and collected for a period of twenty (20) years thereafter.

6.02 The authority to levy the tax authorized pursuant to this Ordinance shall expire on March 31, 2047.

SECTION 7. CONTRACT WITH STATE.

7.01 Prior to the Operative Date, the Authority shall contract with the Department to perform all functions incident to the administration and operation of this Ordinance; provided, that if the Authority shall not have contracted with the Department 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 8. TRANSACTIONS AND USE TAX RATE.

8.01 For the privilege of selling tangible personal property at retail, a tax is hereby imposed and continued to be collected upon all retailers in the incorporated and unincorporated territory of the County at the rate of one-half of one percent (0.5%) 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.

8.02 An excise tax is hereby imposed and continued on the storage, use or other consumption in the incorporated and unincorporated territory of the County of tangible personal property purchased from any retailer on and after the Operative Date of this Ordinance for storage, use or other consumption in the County at the rate of one-half of one percent (0.5%) of the sales price of the property whose storage, use or other consumption is subject to the tax. 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 9. EXPENDITURE PLAN PROCEDURES AND MAINTENANCE OF EFFORT.

9.01 It is the intent of the Legislature and the Authority that revenues provided from this Ordinance be used to supplement existing revenues being used for transportation projects, improvements, and programs.

9.02 Pursuant to the intent of the Public Utilities Code section 180001, a jurisdiction cannot redirect monies currently being used for transportation purposes to other uses, and then replace the redirected funds with local street maintenance and improvement dollars from the retail transaction and use tax.

9.03 To meet the requirements of state law, in order to receive Local Streets and Roads funds a jurisdiction must demonstrate maintenance of a minimum level of local street and road expenditures in conformance with the provision below:

9.03.01 Annual expenditures of a local jurisdiction's general funds for transportation purposes shall not be an amount less than the jurisdiction's three-year average of its annual expenditures from its general fund during the prior three fiscal years. In calculating the three-year average annual general fund expenditures, any unrestricted funds which the local jurisdiction may expend at its discretion, expended for transportation purposes are expenditures from the general fund.

9.03.02 Subject to Authority approval, if any local jurisdiction had extraordinary local discretionary fund expenditures during any fiscal year it may determine that year's minimum expenditure base level of local discretionary funds by:

a) Subtracting those extraordinary expenses (including assessment district contributions, development impact funds, or other non-recurring contributions) from its total expenditures; or

b) Petitioning the Authority for special consideration. It is possible that a local jurisdiction may need to revise its minimum expenditure base beyond the subtraction of extraordinary expenses. In this instance, the Authority may allow the establishment of a new base for that jurisdiction's Maintenance of Effort requirement. A local jurisdiction petitioning the Authority under this provision must supply evidence of the need for special consideration and the petition must be approved by a majority vote of the Authority.

9.04 An annual independent report will be undertaken to verify that the Maintenance of Effort requirements were met by the local jurisdictions. Any local jurisdiction which does not meet its Maintenance of Effort requirement in any given year may have its Local Streets and Roads fund received pursuant to the Expenditure Plan reduced in the following year by the amount by which the jurisdiction did not meet its required Maintenance of Effort. Such funds shall be redistributed to the remaining eligible jurisdictions.

SECTION 10. ORDINANCE PURPOSES.

10.01 This Ordinance is adopted to achieve the following, among other purposes, and directs the provisions hereof be interpreted in order to accomplish these purposes:

10.01.01 To impose a retail transactions and use tax in accordance with the provisions of Division 19 (commencing with Section 180000) of the California Public Utilities Code, and Part 1.6 (commencing with Section 7251) of Division 2 of the California Revenue and Taxation Code, which authorizes the Authority and the electorate to adopt this tax ordinance.

10.01.02 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 Division 19 (commencing with Section 180000) of the California Public Utilities Code, and Part 1.6 (commencing with Section 7251) of Division 2 of the California Revenue and Taxation Code.

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10.01.03 To adopt a retail transactions and use tax ordinance that imposes a tax and provides a measure therefor that can be administered and collected by the Department 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 Department in administering and collecting the California State Sales and Use Taxes.

10.01.04 To adopt a retail transactions and use tax ordinance that can be administered in a manner that will be, to the greatest degree possible, consistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting the transactions and use taxes, and at the same time, minimize the burden of record keeping upon persons subject to taxation under the provisions of Ordinance.

10.01.05 The funds generated by the transaction and use tax authorized by this Ordinance may only be used for transportation purposes including the administration of the Expenditure Plan, as may be amended, including 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 transaction and use 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 services on bonds or other indebtedness, and expenses and reserves in connection with the issuance of the same.

SECTION 11. ADOPTION OF PROVISIONS OF STATE LAW.

11.01 Except as otherwise provided in this Ordinance, all of the provisions of Part 1 (commencing with Section 6001) of Division 2 of the California Revenue and Taxation Code, insofar as they relate to sales taxes and are not inconsistent with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code and Division 19 (commencing with Section 180000) of the California Public Utilities Code, are hereby adopted and made a part of this Ordinance as though fully set forth herein.

11.02 In adopting the provisions of Part 1 (commencing with Section 6001of the Revenue and Taxation Code) insofar as they relate to transactions and use taxes and are not inconsistent with this law, wherever the State of California is named or referred to as the taxing agency, the name of the Authority shall be substituted therefor. However, the substitution for the word “state” shall not be made when:

11.02.01 The word “state” is used as a part of the title of the State Controller, State Treasurer, State Treasury, or the Constitution of the State of California;

11.02.02 The result of that substitution would require action to be taken by or against the Authority, or any agency, officer, or employee thereof rather than by or against the

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California Department of Tax and Fee Administration, in performing the functions incident to the administration or operation of this ordinance.

11.02.03 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 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.

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

11.03 The name of the jurisdiction of the Authority or the County shall also 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.

11.03.01 The words "A retailer engaged in business in the County" for the purposes of the use tax shall also include any retailer that, in the preceding calendar year or the current calendar year, has total combined sales of tangible personal property in this state or for delivery in the State by the retailer and all persons related to the retailer that exceeds five hundred thousand dollars ($500,000). For purposes of this section, a person is related to another person if both persons are related to each other pursuant to Section 267(b) of Title 26 of the United States Code and the regulations thereunder.

11.04 All amendments to the provisions of Part 1 (commencing with Section 6001) relating to the sales and/or use tax and not inconsistent with this part shall automatically become a part of the ordinance. However, no amendment shall operate so as to affect the rate of tax imposed by the Authority's board.

11.05 The amount subject to tax shall not include the amount of any sales tax and/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 (Part 1.5 (commencing with Section 7200)) or the amount of any state-administered transactions or use tax.

11.06 This Ordinance shall be deemed to adopt by reference the provisions of Sections 7261 and 7262, as now in effect or later amended. Such sections shall control to the extent such sections conflict with provisions herein.

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SECTION 12. ADDITIONAL PERMIT NOT REQUIRED.

12.01 If a seller's permit has been issued to a retailer under section 6067 of the California Revenue and Taxation Code, an additional transactor's permit shall not be required by this Ordinance.

SECTION 13. EXEMPTIONS AND EXCLUSIONS.

13.01 The amount subject to tax pursuant to this Ordinance shall not include the amount of 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.

13.02 There are exempted from the transactions tax portion of the transactions and use tax authorized pursuant to this Ordinance:

13.02.01 The gross receipts from the sale 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 the aircraft as common carriers of persons or property under the authority of the laws of this state, the United States, or any foreign government.

13.02.02 The sales of property to be used outside the County which are shipped to a point outside the County, pursuant to the contract of sale, by delivery to that point by the retailer or his or her agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point.

a) For purposes of this Ordinance, "delivery" of 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 shall be satisfied by (i) registration to an out-of-County address; and, (ii) by a declaration under penalty of perjury, signed by the buyer, stating that the address is, in fact, his or her principal place of residence.

b) For purposes of this Ordinance, "delivery" of commercial vehicles shall be satisfied by (i) registration to a place of business out of County; and, (ii) a declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.

13.02.03 The sale of tangible personal property is exempt from the tax authorized by this Ordinance 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.

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13.02.04 A lease of tangible personal property which is a continuing sale of that property is exempt from the tax authorized by this Ordinance 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.

13.02.05 For purposes of Section 13.02 subparagraphs C and D, 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 that right is exercised.

13.03 There are exempted or excluded from the use tax portion of the transactions and use tax authorized pursuant to this Ordinance:

13.03.01 Except as provided in B, 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.

13.03.02 "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 is required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in the County.

13.03.03 The amount subject to tax shall not include 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 (Part 1.5 (commencing with Section 7200)) or the amount of any state-administered transactions or use tax.

13.03.04 The storage, use, or other consumption of tangible personal property, other than fuel or petroleum products, purchased by operators of aircraft, and used or consumed by the operators directly and exclusively in the use of the aircraft as common carriers of person 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 is exempt from the use tax. This exemption is in addition to the exemptions provided in Sections 6366 and 6366.1 of the California Revenue and Taxation Code.

13.03.05 The storage, use, or other consumption in the County of tangible personal property is exempt from the tax 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..

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13.03.06 The possession of, or the exercise of any right or power over, tangible personal property under a lease which is a continuing purchase of the property is exempt from tax for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease entered into prior to the Operative Date of this Ordinance.

13.03.07 For the purposes of subsections 13.03.05 and 13.03.06, the storage, use, or other consumption of, 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 the right is exercised.

13.03.08 Any person subject to use tax under this Ordinance may credit against that tax or any transactions tax, or to reimbursement for a transactions tax paid to a district or retailer in a district imposing a transactions and use tax pursuant to Part 1.6 of Division 2 of the Revenue and Taxation Code.

SECTION 14. PLACE OF SALE.

14.01 For the purposes of this Ordinance, all retail transactions 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 for the purpose of a transaction tax imposed by this Ordinance shall be determined under rules and regulations to be prescribed and adopted by the Department.

SECTION 15. BONDING AUTHORITY.

15.01 The Authority shall have the power to sell or issue, at any time, and from time to time, limited tax bonds or other obligations payable from and secured by the proceeds from the sales tax authorized by this Ordinance to finance and refinance the transportation projects identified in the Expenditure Plan.

15.02 The maximum bonded indebtedness which may be outstanding at any one time shall be an amount equal to the sum of the principal of, and interest on, the bonds, but not to exceed the estimated proceeds of the tax. The amount of bonds outstanding at any one time does not include the amount of bonds, refunding bonds, or bond anticipation notes for which funds necessary for the payment thereof have been set aside for that purpose in a trust or escrow account.

SECTION 16. AMENDMENTS TO EXPENDITURE PLAN.

16.01 The Authority may annually review and propose amendments to the Expenditure Plan to provide for the use of additional federal, state, and local funds, to account for unexpected

revenues, or to take into consideration unforeseen circumstances. The Authority may not amend the sales tax revenue allocations by category set forth in the Expenditure Plan as the allocations may be amended only if two-thirds majority of the electors vote to approve.

16.02 Amendments to the Expenditure Plan must be passed by a two-thirds majority vote of the Authority board's total membership by a roll call vote entered in the minutes of the Authority following a noticed, public hearing of the Authority. Notice of the public hearing shall be published pursuant to Government code section 6062. Subsequently, the Authority shall notify the Board of Supervisors, the City Council of each city in the county and provide each with a copy of the proposed amendment(s). Pursuant to Public Utilities Code section 180207, proposed amendment(s) shall become effective 45 days after notice is given, unless appealed under the process outlined in the following paragraph. Should an appeal be filed, the Authority shall hold a public hearing on the proposed amendment(s) within 45 days of the filing of the appeal.

16.03 In the event that a local jurisdiction does not agree with the Authority's amendment(s), the jurisdiction's governing body must, by a majority vote, determine to formally notify the Authority of its intent, in writing by registered mail, to obtain an override of the Authority's amendment(s). The appealing jurisdiction will have 45 days from the date the Authority adopts the proposed amendment(s) to obtain resolutions supporting an override of the amendment(s) from a majority of the cities representing a majority of the population residing within the incorporated areas of the county and from the Board of Supervisors. If a jurisdiction does not obtain the necessary resolutions supporting the override, the Authority's amendment(s) to the Expenditure Plan will stand. If the necessary resolutions supporting the override are obtained within 45 days from the date the Authority adopts the proposed amendment(s), then the amendment(s) shall not become effective.

16.04 The Expenditure Plan shall be updated by the Authority every five years that the sales tax is in effect to reflect current and changing priorities and needs in the County, as defined by the duly elected local government representatives on the Authority Board and as reflected in its current Madera County Regional Transportation Plan. Any changes to the Expenditure Plan must be adopted with current law in effect at the time of the update and must be based on findings of necessity for change by the Authority.

SECTION 17. AMENDMENTS TO THIS ORDINANCE.

17.01 This Ordinance may be amended to further its purposes. The Authority shall establish a process for proposed Ordinance amendment(s) which ensures that the Authority committees established by this Ordinance participate in the development of the proposed Ordinance amendment(s).

17.02 Upon completion of that process, amendment(s) to this Ordinance must be passed by a two-thirds majority of the Authority board's total membership by a roll call vote entered in the minutes of the Authority. The Authority must hold a noticed, public hearing on the matter before formal adoption of any amendment to the Ordinance. Notice of the public hearing shall be published pursuant to Government Code section 6062.

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17.03 In the event that a local jurisdiction does not agree with the Authority's amendment(s), the jurisdiction's policy decision-making body must, by a majority vote, determine to formally notify the Authority of its intent, in writing by registered mail, to obtain an override of the Authority's amendment(s). The appealing jurisdiction will have 45 days from the date the Authority adopts the proposed amendment(s) to obtain resolutions supporting an override of the amendment(s) from a majority of the cities representing a majority of the population residing within the incorporated areas of the county and from the Board of Supervisors. If a jurisdiction does not obtain the necessary resolutions supporting the override, the Authority's amendment(s) to the Ordinance will stand. If the necessary resolutions supporting the override are obtained within 45 days from the date the Authority adopts the proposed amendment(s), then the amendment(s) shall not become effective.

SECTION 18. AUTHORITY COMMITTEES.

18.01 The following committee structure is established to advise the Authority in the administration of the Expenditure Plan and this Ordinance:

18.01.01 An independent Measure T Citizens Oversight Committee is to be established to review the independent fiscal audits of the expenditure of the tax funds and issue an annual report on its findings regarding compliance with the requirements of the Expenditure Plan and the Ordinance to the Board of the Authority. The Measure T Citizens Oversight Committee is responsible for oversight of the proper use of sales tax funds and implementation of the programs and projects set forth in the Expenditure Plan and making recommendations to the Board of the Authority. The committee is not a policy-making body. The Measure T Citizens Oversight Committee shall consist of one representative from each of the five Supervisorial Districts in the County plus an alternate. Members of the Measure T Citizens Oversight Committee shall not be members of any other Authority or MCTC/MCTA committee(s). They may not be current or former employees of the County of Madera or the Cities of Chowchilla or Madera with less than three years of separation of employment.

18.01.02 The Measure T Oversight committee will meet a minimum of four times each year to review quarterly revenue generated by Measure T and expenditures made by the City of Madera, the City of Chowchilla, the County of Madera, and the Madera County Transportation Authority using Measure T funds; however, they may call additional meetings.

SECTION 19. STATUTORY AMENDMENTS.

19.01 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.

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SECTION 20. CREATION OF SEPARATE ACCOUNT.

20.01 All retail transactions and use tax revenue, plus interest, will be deposited in a special fund for the projects identified in the Expenditure Plan. The fund(s) authorized under this Ordinance will be administered by the Authority.

20.02 The Authority shall allocate funds to projects and programs identified in the Expenditure Plan as necessary to meet contractual and program obligations. The Authority may allocate funds as described but may reserve the right not to disburse monies until needed to meet contractual project or program obligations. Each agency receiving funds from this Ordinance shall deposit said funds in a separate interest-bearing account. Any interest earned on funds allocated pursuant to this Ordinance shall be expended only for those purposes for which the funds were allocated or shall be returned to the Authority. The Authority reserves the right to audit such accounts.

SECTION 21. CALIFORNIA ENVIRONMENTAL QUALITY ACT.

21.01 This Ordinance is not a project as defined in Section 15378 of the California Environmental Quality Act (CEQA) Guidelines and is therefore exempt from CEQA requirements. Prior to the commencement of any project included in the Expenditure Plan, any necessary environmental review required by CEQA shall be completed.

SECTION 22. IMPLEMENTING ORDINANCES.

22.01 Upon approval of this Ordinance by the voters, the Authority may, in addition to the local rules required to be provided pursuant to this Ordinance, adopt implementing ordinances, rules and administrative procedures, and take such other actions as may be necessary and appropriate to carry out its responsibilities to implement the Expenditure Plan.

SECTION 23. DESIGNATION OF FACILITIES.

23.01 Each project or program in excess of $250,000 funded in whole or in part by revenues from this Ordinance shall be clearly designated in writing by signs and/or documents, during its construction or implementation as being funded by revenues from this Ordinance.

SECTION 24. CONTRACTING FOR PROJECT DELIVERY.

24.01 The Authority shall have the power to contract for project delivery of any project or program of the Expenditure Plan if all of the jurisdictions affected by the project agree and if the Authority finds that:

24.01.01 The project could be delivered faster under a contract issued by the Authority; or

24.01.02 A contract by the Authority would provide economies of scale and reduce project costs.

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SECTION 25. ANNUAL REPORT.

25.01 An annual report identifying the actions and accomplishments of the Authority in meeting the adopted Expenditure Plan will be prepared by the Authority not later than 180 days following receipt of the fiscal year audit. The report will detail the amount of funds collected and expended and the status of projects required or authorized to be funded for the purposes of this Ordinance.

SECTION 26. SEVERABILITY.

26.01 If any section, part, provision, clause or phrase of this Ordinance or the application thereof to any person or circumstances is for any reason held invalid or unconstitutional, the remaining portions of this Ordinance and the application of such provisions to other persons or circumstances shall not be affected but shall remain in full force and effect.

SECTION 27. ANNUAL APPROPRIATIONS LIMIT.

27.01 Article XIIIB of the California Constitution requires the establishment of an annual appropriations limit for certain governmental entities. The maximum annual appropriations limit for the Authority has been established as $30 million. The appropriations limit shall be subject to adjustment as provided by law. All expenditures of the retail transaction and use tax revenues authorized pursuant to this Ordinance are subject to the appropriations limit of the Authority.

SECTION 28. ENJOINING COLLECTION FORBIDDEN.

28.01 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 Authority, or against any officer of the State or the Authority, to prevent or enjoin the collection under this Ordinance, or Part 1.6 (commencing with Section 7251) of Division 2 of the California Revenue and Taxation Code, or Division 19 (commencing with Section 180000) of the California Public Utilities Code, of any tax or any amount of tax required to be collected.

SECTION 29. CAPTIONS.

29.01 The titles and headings to the sections set forth in this Ordinance are not part of this Ordinance and shall have no effect upon the construction or interpretation of any part hereof.

SECTION 30. ADOPTION OF ORDINANCE.

30.01 This Ordinance was introduced, and the title thereof read at the regular meeting of the Authority's governing Board on June 12, 2024, and adopted at the regular meeting of the Authority's governing Board on June 19, 2024, with further reading thereof having been waived by a vote of the members present.

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EXHIBIT "A"

Measure T 2024
Expenditure Plan

Madera County voters are being asked to renew Measure T as a 20-year, ½ cent sales tax to continue to maintain and improve local streets and roads and the overall transportation systems.

The 2024 Measure T Expenditure Plan ("Plan") was developed through a comprehensive public outreach program that asked residents to identify their priorities for future transportation programs and projects. The plan was developed by the Measure T Steering Committee which met between October 2023 and April of 2024. Four members from each supervisorial district were independently selected based on applications submitted.

Outreach included:

- Development of a Measure T website with all information relevant to past expenditures, plans, and impacts of Measure T on the County and the Cities of Chowchilla and Madera.
- Over 30 meetings with community organizations and leaders representing diverse viewpoints.
- A series of nine Town Hall Public Meetings.
- Online engagement, including the use of a participatory budgeting tool.
- Mailer to all County residents and businesses.
- Print ads in local newspapers promoting engagement opportunities.
- Social media ads and posts promoting engagement opportunities.

Additionally, two statistically valid telephone polls of all County residents were conducted. The Plan has been supported and approved by the Madera County Transportation Authority, the City of Chowchilla, the City of Madera, and the Madera County Board of Supervisors.

The renewal of Measure T will:

- Generate approximately $22 million per year based on ½ cent sales tax for an estimated total of $440 million throughout the measure's lifetime.
- Be used for LOCAL projects and LOCAL priorities, prohibiting Sacramento from taking possession of these funds.
- Allow local jurisdictions to continue to compete for State and Federal grants and leverage funds, thereby increasing revenues.
- Deliver an Expenditure Plan with an **increased** emphasis on local streets and roads maintenance; and

- Include a Citizens Oversight Committee (COC) to ensure projects and programs in the Plan are funded and/or completed.

The Expenditure Plan

Revenue Estimates and Distribution

Over the 20-year plan, it is estimated that $440 million will be generated for local transportation investments. The estimated $440 million was calculated based on a five-year average of sales tax revenues throughout the county, which was then reduced to reflect a conservative estimate.

The estimated revenue and allocation among categories are based on the 2024 value of money and are not binding or controlling. Transportation sales tax funds shall be allocated based on the percentage of revenue received.

This funding will serve as an investment that will leverage future local, State, and Federal grant opportunities. Funds will be used for all phases of project implementation, including planning, environmental, permits, design, right-of-way, and/or construction capital and operations projects. State and Federal fund sources that may also be used to implement transportation projects and programs in the next decade include the State Regional Transportation Improvement Program (STIP), Inter-Regional Transportation Improvement Program (ITIP), Infrastructure Investment and Jobs Act (Bipartisan Infrastructure Law, [BIL]), Federal Congestion Mitigation Air Quality, Regional Surface Transportation Funds, and Local Funding (e.g., developer fees, general funds, and Transportation Development Act funds.

All revenue estimates and allocations in this Plan are for illustrative purposes. Actual net revenues may fall above or below the projections in the Expenditure Plan; therefore, actual revenue allocations to each category will be based on the percentages contained herein.

No revenue generated from this tax shall be used to replace fair share contribution from new development.

Revenues provided from this measure shall not be used to replace private developer funding that has been or will be committed for any project to help alleviate the direct traffic impacts of any new or redeveloped residential, commercial, or industrial development in Madera County or its cities.

Maintaining Local Transportation Funding Efforts

The local jurisdictions will certify in an annual verification submitted to Madera County Transportation Authority (MCTA) that these transportation funds will be used to augment and not supplant local resources spent. For purposes of this calculation an average of the

prior three (3) years spent for local transportation purposes as defined in the Ordinance will be used.

Eligibility Verification

The cities and County will select transportation projects that meet the eligibility criteria identified in this Plan. The local jurisdictions will certify in the annual verification submitted to the MCTA that these transportation funds were used for eligible expenses.

Local Streets and Roads, 80% with 10% Set Aside for Disadvantaged Communities

$352 Million Total with $35.2 Million for Disadvantaged Communities

Recognizing that streets are the backbone of our transportation system, this Plan provides funds to local cities and Madera County, distributed primarily based on population adjusted annually based on Census Data from the State Department of Finance.

Each jurisdiction will annually identify specific streets and roads that will be prioritized for repair and/or refurbishment and hold annual public meetings to review the proposed plan NOT LESS THAN 30 DAYS prior to adoption by the local jurisdiction and the MCTA board.

Each jurisdiction shall have the flexibility to allocate funds based on the unique needs of its communities to address:

- *Local Street and Road Maintenance*
- *Evacuation Planning*
- *Safe Routes to School*
- *Bike and Pedestrian/Active Transportation*

Definition of Local Streets and Roads

Local Streets and Roads include roads that primarily serve local and regional traffic in the City and County areas, including Local neighborhood/residential streets, Major/Minor Collectors, Principal/Minor Arterials, and Local Expressways, as well as local alley ways.

These funds may be used for:

- Repair and maintenance of local roadways. These funds must be used to augment current transportation spending and cannot be used to replace a local jurisdiction's general fund expenditures.
- Upgrades to local intersections, road widening, signalization, bridge replacements and/or traffic calming methods.
- Projects that include local connectivity between communities, local schools, trails, and recreation facilities.

- Evacuation planning and preparedness.
- Maintaining, improving, or constructing streets, roads, bridges, and bicycle and pedestrian facilities.
- Community enhancements, such as downtown streetscapes, transportation enhancements, wayfinding, and accessibility improvements, street lighting, street furniture, and trees.
- Safety improvements.
- Programs that reduce transportation demand.
- Storm damage repair to transportation facilities.
- Roadway facilities.
- Traffic signal coordination, intersection and channelization, and traffic management.
- Alleys, pathways, and other routes.
- Stormwater collection management to prevent roadway flooding, prioritizing locations of historic flooding and/or washouts.
- Funds may be used for regional or transit projects as defined in the plan at the discretion of the jurisdiction.

Definition of Disadvantaged Communities

For purposes of this measure, MCTA will use screening from the US Climate and Economic Justice Screening tool (CEJST). The tool uses datasets as indicators of burdens. The burdens are organized into categories. A community is highlighted as disadvantaged on the CEJST map if it is in a census tract that is (1) at or above the threshold for one or more environmental, climate, or other burdens, and (2) at or above the threshold for an associated socioeconomic burden.

In addition, a census tract that is completely surrounded by disadvantaged communities and is at or above the 50% percentile for low income is also considered disadvantaged. Jurisdictions may also use California Climate Investments Priority Populations 2023, Enviro-screen, or other recognized data collector.

Regional Projects, 14.5%

$63.8 Million

These funds will be used for planning, project development, right-of-way, and/or construction of major corridor capital projects. Proposed regional projects may be at different stages of implementation. All proposed projects will have been included in the most recently adopted MCTC Regional Transportation Plan. Local jurisdictions will submit projects for consideration and/or approval by the MCTA Board.

Transit, 4%

$17.6 Million

Funds will be used for public transit operations, maintenance, and infrastructure

improvements. They may also supplement local, state, and federal funds for cost of transit service. These funds will be allocated by population to public transit providers to support or enhance public transit service throughout the region. This may include increasing frequency of service, identifying new routes, and/or investing in ride sharing services. These funds may be used for specialized need-based door-through-door transportation and other services for all residents including students, seniors, veterans, and persons with disabilities.

1.5% Administrative Expense Cap

$6.6 Million

These funds may be used for the following tasks:

- Contracting with an independent financial auditor to review all annual Measure T revenues and expenses.
- Contracting with any additional auditor, consultant, etc. to perform additional reviews as needed.
- Maintenance of a Measure T specific website which will include information regarding the actions of the COC and updates as to how Measure T funds were used by local agencies.
- Staffing and support for the COC, including agendas, staff reports, minutes, and financial statements.
- General public outreach and support to provide transparency regarding Measure T expenditures and work performed by the jurisdictions.
- An annual bilingual report to include investments made by each jurisdiction using Measure T funds, including specific projects, tasks, or work performed:
    - Including project status (completions, milestones)
    - Specific references to actual investments made by jurisdiction, by project, and by location.
- Any other required or necessary administrative task.
- Reimbursement for travel to and from COC meetings at the current Federal rate for mileage and public transit.
- Relevant training for members.

Expenditures on staff salaries, wages, benefits, and overhead necessary to administer the program will be limited to no more than one percent (1%) of the annual gross revenues provided by the measure.

Safeguards Built Into The Plan

This Expenditure Plan includes taxpayer safeguards to ensure that the projects and programs allowed by voters are funded and delivered.

Citizens Oversight Committee (COC)

An independent Citizens Oversight Committee will be created to provide an enhanced level of accountability for expenditures made under the Plan to ensure that the financial integrity and performance of the program(s) are maintained. The committee will include one representative and one alternate from each Supervisorial District. These are all volunteer positions. Members will be selected based on a review of applications and/or interviews conducted by the current COC Chair, the finance officer from the Madera County Transportation Commission (MCTC), and a third mutually agreed upon individual preferably with a background in accounting and/or citizen oversight. Applicants with accounting, transportation, or government experience are encouraged to apply but this experience is not a requirement. Members will then be approved by the MCTA Board. Members must meet the following criteria:

- Be a United States citizen, over 18, and a resident of the District represented.
- Not be a current or former elected official less than three years out of office.
- Not be a public employee, spouse, or child of any of the MCTC member agencies or MCTC.
- Not be a former public employee of any of the MCTC member agencies or MCTC with less than three years from separation.
- Agree to complete California Statements of Economic Interest (Form 700) on an annual basis.

Appointments will be for four years with the first committee members from District 2 and 4 serving two years and four years thereafter. The COC will select a Chair every two years who will be responsible for conducting the meeting; however, this position has no greater authority than any other member. The Chair will make formal presentations to the MCTA Board on not less than a quarterly basis.

The Citizens Oversight Committee will be governed by its own bylaws which will be adopted by the Citizens Oversight Committee.

Annual Independent Audit and Annual Reporting

The COC may select qualified firms to provide an additional review of the completed annual fiscal and compliance audits, submitted expenditure reports, and any other available information to assure that the revenues expended are reasonable and compliant with the approved Expenditure Plan. The audits and the Annual Report must be published and made available to the public.

Sunset Date

This measure terminates in 20 years.