

STAFF REPORT

SUBJECT: Measure A 2008

MEETING DATE: June 19, 2008

AGENDA ITEM: 10

STAFF CONTACT: Jim Kemp, Steve VanDenburgh

RECOMMENDATION:

- A. Adopt Santa Barbara County Local Transportation Authority Ordinance No. 5: Road Repair, Traffic Relief and Transportation Safety (Measure A 2008) (requires 9 affirmative votes).
- B. Adopt a resolution requesting that the Santa Barbara County Board of Supervisors call for an election for voter approval of Ordinance No. 5 by placing a measure on the November 4, 2008 ballot.

SUMMARY:

The Measure A Investment Plan approved by the SBCAG board in March has been approved by all eight city councils and by the Board of Supervisors. In order for county voters to have the opportunity this November to consider approval of Measure A, two actions are required of the SBCAG board at its June meeting.

The board must adopt the Measure A ordinance (Ordinance No. 5) which, if approved by county voters, would continue the half-percent transportation sales tax for an additional 30 years. The investment plan for Measure A previously approved by the board is included as an exhibit to the ordinance. The board also must adopt a resolution requesting that the board of supervisors place the matter on the November ballot.

Time is of the essence for the SBCAG board in taking these actions. The request to place Measure A on the November ballot must be submitted to the board of supervisors no later than July 5. The board of supervisors is scheduled to act on the request at its July 8 meeting.

DISCUSSION

A. Adoption of Ordinance No. 5

In order for Measure A to move forward to the November ballot, the board must adopt Ordinance No. 5 of the Santa Barbara County Local Transportation Authority (SBCAG). Adoption of the ordinance by the board requires 9 affirmative votes. The ordinance will be included in the ballot pamphlet that each registered voter would receive from the County Elections Office prior to the November 4, 2008 election.

Much of the ordinance language is common to transportation sales tax ballot measures throughout the state. This common language governs the levying and collection of a sales tax (technically, a “retail transaction and use tax”) by a Local Transportation Authority and expenditure of revenues according to an investment plan, which is an exhibit to the ordinance. The ordinance also includes other standard financial provisions such as the ability of the Authority to issue bonds. Finally, sections of the ordinance have been included by SBCAG specifically to address our county’s needs, including:

- Section 17 Investment Plan, Adoption, Amendment and Updates
- Section 18 Local Program of Projects
- Section 19 Authority Program of Projects
- Section 22 Advisory Committees
- Section 23 Authority Subregion Committees
- Section 25 Audit Provisions

The ordinance has received substantial review and input from the North County and South Coast Measure D Policy Development Committees members, community organization leaders and the public. At its April meeting, the board formally received a draft copy of the ordinance and made it available for public comment.

Public comments received since April has resulted in the modification of two sections addressing the role the Citizens Oversight Committee which would be appointed by the SBCAG board. The modifications are intended to define the role of the committee in the required annual fiscal audit process, which is an important oversight responsibility, and a vehicle for providing constructive feedback through an annual letter submitted to the Authority.

Under Section 22A, the ordinance now reads that the Citizens Oversight Committee would annually submit a letter to the Authority commenting on whether the requirements and voter mandates of the ordinance and investment plan have been properly carried out. The letter may also include recommendations and observations of the committee.

Under Section 25, Citizens Advisory Committee, the ordinance has been changed so that the committee will assist in developing the scope and content of the annual fiscal audit. The committee will also review the draft audit report including any findings and recommendations.

Staff believes that these changes more clearly define the role of the Citizens Oversight Committee which strengthen the taxpayer safeguard provisions of Measure A and will help increase support for the measure. Changes as described above are shown in bolded and shaded text in the ordinance document attached.

The ordinance includes as Exhibit A the Investment Plan approved by the SBCAG board in March 2008 and presented to each city council and the board of supervisors for their consideration. The investment plan identifies the transportation projects and programs that will be implemented if Measure A is approved by a two-thirds majority of county voters. As required by State law, the investment plan must be approved by a majority of the cities representing a majority of the county’s population and the board of supervisors before the ordinance can be placed on the ballot. Over the last two months, all cities and the board of supervisors have approved the plan.

B. Adopt a Resolution Requesting An Election

The board must also adopt in June a resolution requesting that the Board of Supervisors place the ordinance on the November ballot for voter approval. The resolution (attached) includes the Measure A ballot title and summary which has been prepared by staff in consultation with County Counsel and the County Elections office. According to the County Elections Office schedule for the November 2008 election, the resolution must be submitted to the board of supervisors by July 5. The County Executive Office has scheduled the item for consideration by the board of supervisors at its July 8 meeting.

Recommendations

SBCAG staff recommends that the board adopt Ordinance No. 5 and approve a resolution requesting that the Board of Supervisors call an election for voter approval of Ordinance No. 5 on the November 4, 2008 ballot.

COMMITTEE REVIEW:

The Measure A Investment Plan was developed by the North County and South Coast Measure D Policy Development Committees between July 2007 and March 2008. The SBCAG North County and South Coast Subregional Planning Committees approved motions recommending that the SBCAG board adopt the plan. The plan was submitted to the SBCAG board for approval in March. Both committees also reviewed and commented on Ordinance No. 5 and the draft ballot language that was used in the voter opinion survey which is substantially similar to that included in resolution.

ATTACHMENTS

Measure A Ordinance
Resolution Requesting Board of Supervisors Call for an Election

**AN ORDINANCE OF THE
SANTA BARBARA COUNTY LOCAL TRANSPORTATION AUTHORITY
IMPLEMENTING THE
ROAD REPAIR, TRAFFIC RELIEF AND TRANSPORTATION SAFETY MEASURE**

ORDINANCE No. 5

The Santa Barbara County Local Transportation Authority does hereby ordain as follows:

Section 1 Title. This ordinance shall be known as the Santa Barbara County Road Repair, Traffic Relief, and Transportation Safety Measure.

Section 2. Purpose. This ordinance is adopted to achieve the following, among other purposes, and directs that provisions hereof be interpreted in order to accomplish those purposes:

A. To establish a local funding source for road repair, traffic relief, and transportation safety improvements set out in detail in the Transportation Investment Plan ("Investment Plan"), which is Exhibit A of this ordinance. The Investment Plan is hereby adopted as the County Transportation Expenditure Plan pursuant to California Public Utility Code Section 180206 for the expenditure of revenues expected to be derived from the tax imposed pursuant to this ordinance.

B. To continue to impose a retail transaction and use tax of one-half of one percent (1/2%), in the incorporated and unincorporated territory of the County of Santa Barbara ("District") from April 1, 2010 until March 31, 2040 in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code and Section 180050 et.seq. of the Public Utilities code which authorizes the Santa Barbara County Local Transportation Authority ("Authority") to adopt this ordinance which shall be operative if two-thirds of the electors voting on the measure vote to approve the continuation of the tax at an election called for that purpose.

C. To authorize the issuance of bonds to finance projects included in the Investment Plan as part of this ordinance.

D. To establish an appropriations limit for the Authority.

Section 3. Existing Ordinance. Nothing in this ordinance is intended to modify, repeal, or alter ordinances previously adopted by the Authority. The provisions of this ordinance shall apply solely to the retail transactions and use tax adopted herein. The provisions of previously adopted ordinances, including the tax rate, expenditure plan, procedures for adoption and amendment of the expenditure plan and other operative provisions shall remain in effect through March 31, 2010. The Existing Tax (which will expire on March 31, 2010) and any obligations or bonded indebtedness arising thereunder shall be deemed to continue and shall be in full force and effect until March 31, 2010. Revenues from tax levied but not yet collected on March 31, 2010 shall continue to be due and payable until collected.

Section 4. Continuation of Transactions and Use Tax. In addition to any other taxes authorized by law there is hereby continued in the District, in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the California Revenue and Taxation Code and Division 19 (commencing with Section 180000) of the California Public Utilities Code, a transactions and use tax at the rate of one-half of one percent (1/2%) for a period not to exceed thirty years from April 1, 2010, in addition to any existing or future authorized state or local transactions and use tax. There shall be no concurrent assessment of the Existing Tax and the tax to be imposed pursuant to this Ordinance. The provisions of 7261 and 7262 of the Revenue and Taxation Code unless specifically modified by this ordinance are incorporated herein by reference as though fully set forth herein.

Section 5. Operative Date. "Operative Date" means the first day of the first calendar quarter commencing more that 110 days after the adoption of this ordinance by two-thirds of the electors voting on the measure. Although this ordinance shall be deemed to be operative on the Operative Date, the new tax rate, term,

Investment Plan and related tax and fiscal provisions of this ordinance shall not be in effect until April 1, 2010, except as modified below in the case of new bond issuance. To the extent that the Authority may desire prior to April 1, 2010 to issue bonds secured by future revenues from the new tax provisions adopted herein, the provisions of this ordinance shall be operative at said earlier date for application to said revenues and bonds, allocations of any funds derived from said bonds, development of guidelines for use of said bond revenues, administration of the Investment Plan adopted hereunder, or preparation of a Strategic Plan.

Section 6. Contract with State. Prior to the Operative Date, the Authority 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 the Authority 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 7. Transactions Tax Rate. For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the District at the rate of one-half of one percent (1/2%) of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said District on and after April 1, 2010.

Section 8. 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 9. 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 April 1, 2010 for storage, use or other consumption in said District at the rate of one-half of one percent (1/2%) 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 10. 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 11. Limitations on Adoption of State Law and Collection of Use Taxes. In adopting the provisions of Part 1 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 this Authority 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, State Board of Control, 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 this Authority 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 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 "District" 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 12. 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 13. 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 District which is shipped to a point outside the District, 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 District 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-District 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-District 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 sales tax 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 District 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 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 sales tax 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), a retailer engaged in business in the District 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 District or participates within the District 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 district or through any representative, agent, canvasser, solicitor, subsidiary, or person in the District under the authority of the retailer.

7. "A retailer engaged in business in the District" 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 address in the District.

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 district 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 14. Compliance with California Environmental Quality Act (CEQA). Pursuant to the State CEQA Guidelines section 15378(b)(4), adoption of this retail transactions and use tax ordinance and expenditure plan (*Investment Plan, Appendix A*) as a government funding mechanism, is not a project subject to the requirements of CEQA. Prior to commencement of any project included in the Investment Plan, any necessary environmental review required by CEQA shall be completed.

Section 15. Receipt of Fair Share State and Federal Transportation Funds. No revenues as provided for in this section shall be allocated for any State Highway project if the Authority adopts a finding that the Santa Barbara County region is not receiving, at a minimum, its fair share of funds from the State of California. The determination of fair share shall consider all relevant factors including the degree to which the Santa Barbara County region is receiving the statutory county minimum funding for all budgeted, expended, and programmed State and federal transportation funds. The policies and project approval actions of the California Transportation Commission and California Department of Transportation shall be subject to review, as well, to determine whether the Santa Barbara County region is receiving full consideration in the allocation of State and federal funding. A finding may be made at any time at the Authority's discretion. If, prior to the start of any fiscal year, the Authority makes a finding that the region is not in receipt of a fair share of State and federal funding the Authority may amend the Investment Plan to reallocate revenues pursuant to Section 19.

Section 16. Execution of Duties. The Authority may engage, contract with, employ and compensate any public or private agency, party, contractor or professional, in accordance with the Public Contract Code and/or any of the provisions for public employment of professional services for public agencies, for the planning, finance, approval, design, construction, acquisition of right of way, maintenance, operation, control and repair of any road, highway, bus, rail or other transportation facility. However, the Authority shall not be responsible for the maintenance or operation of any State highway facilities following construction contract completion.

Section 17. Investment Plan -- Adoption, Amendments and Updates. The Transportation Investment Plan, Exhibit A hereto, is hereby adopted as the County Transportation Expenditure Plan ("Expenditure Plan") for the expenditure of revenues expected to be derived from the tax imposed pursuant to this Ordinance, in accordance with California Public Utilities Code Section 180206.

A. The Authority may propose amendments to the Investment Plan to provide for the use of additional federal, state and local funds, to account for unexpected revenues, to add or delete a project or program from the plan, to maintain consistency with the Santa Barbara County Regional Transportation Plan, or to take into consideration unforeseen circumstances. An amendment to the Investment Plan must be passed by a two-thirds majority of the Authority by a roll call vote. The Authority must hold a formal, public hearing on the matter, which will be noticed by publication and mailing to interested parties, before adoption of any amendment to the Investment Plan.

B. The Authority may not act on an amendment to the North County Subregion Program or the South Coast Subregion Program unless it has been recommended to the Authority for approval by a majority vote of the respective Authority Sub-Region Committee established in Section 23 of this ordinance. Should an Authority Sub-Region Committee be unable to reach a majority approval of a proposed amendment, or is otherwise unable to take necessary action, within 60 days of the date the matter is referred to the Authority Sub-Region Committee, the Authority may by a two-thirds vote approve the amendment to the Subregion Program without the majority approval of the Sub-Region Committee.

C. Subsequent to the adoption of any amendment to the Investment Plan, the Authority shall notify the Board of Supervisors, the city council of each city in the county, and the Santa Barbara Metropolitan Transit District of the proposed amendment(s) and provide each entity with a copy of the proposed amendment(s). Pursuant to Public Utilities Code 180207, proposed amendment(s) shall become effective 45 days after notice is given unless a local jurisdiction or the Santa Barbara Metropolitan Transit District, subsequent to a majority vote by its policy body, notifies the Authority in writing of its intent to appeal the Authority's approval of the Investment Plan amendment. Such written notice shall state the reason for the appeal. The agency intending to appeal the proposed amendment(s) will have 45 days from the date notice is given to the Authority to obtain resolutions supporting the appeal of the amendment(s) from a majority of the cities representing a majority of the population residing within the incorporated areas in the county and from the Board of Supervisors. If a jurisdiction does not obtain the necessary resolutions supporting the appeal within 45 days of the date notice is given, the Authority's amendment(s) to the Investment Plan shall take effect. If the necessary resolutions are obtained within 45 days from the date notice is given, then the amendment(s) shall be rescinded by the Authority.

D. The Investment Plan shall be reviewed by the Authority at least every ten years that the sales tax is in effect to ensure it is providing an equitable distribution of funds throughout the county. Any changes to the Plan resulting from this review must be adopted according to the amendment process described above, in accordance with current law in effect at the time of the update.

Section 18. Local Program Of Projects. Each local jurisdiction shall annually adopt, after holding a public hearing, a five-year program of projects including information about each of the projects to be funded with Local Street and Transportation Improvement Program revenues allocated according to the Investment Plan. Local agencies shall submit their program of projects to the Authority for approval pursuant to this section. The program of projects shall be in a format specified by the Authority and shall include project location, scope, schedule, cost and funding sources to ensure that the program can be easily understood by members of the public. The program of projects shall also include a detailed description of local jurisdiction expenditures of Local Street and Transportation Improvement Program funds from the previous fiscal year, including expenditures on alternative mode projects as defined in the Investment Plan. The purpose of requiring previous fiscal year expenditures to be documented in the program of projects is to allow the Authority to determine if the local agency is meeting its prescribed expenditure percentages, if any, on alternative modes and to allow the Authority to prepare a comprehensive report to the Citizens Oversight Committee and the public on the expenditure of funds generated by this ordinance. After a noticed public hearing, the Authority shall adopt the program of projects submitted by each local jurisdiction provided that it is consistent with this ordinance and the attached Investment Plan, and prior to releasing to the local jurisdiction its share of local program funding for the first fiscal year in the program of projects. Expenditures may be made on projects using local program funds only if they are included in the Authority's most recently adopted program of projects. To the maximum extent feasible, Local Street and Transportation Improvement Program expenditures shall be consistent with complete streets practices whereby new roads and reconstructed roads shall safely accommodate pedestrians, bicyclists, transit users and motorists except where such accommodation would be infeasible, illegal, or where the cost would be excessively disproportionate to the need or probable use.

A local jurisdiction may request that the Authority amend its program of projects. Amendments may be made by the Authority by a majority vote if the amendment does not require an Investment Plan amendment. Amendments to a program of projects that require an Investment Plan amendment shall be approved pursuant to Section 17.

All projects to be funded with revenues made available under this ordinance must be consistent with the Regional Transportation Plan, any applicable congestion management plans and CEQA.

Section 19. Authority Program of Projects. The Authority shall annually adopt a five-year regional program of projects to be funded with all estimated revenues excluding those revenues estimated for the Local Street and Transportation Improvement Program. The regional program of projects shall include the five-year program of projects adopted by the Santa Barbara Metropolitan Transit District including information about each of the projects to be funded by the South Coast Transit Operating and Capital Programs allocated according to the Investment Plan. A public hearing shall be held by the Authority prior to approval of the regional program of projects. Expenditures may be made on regional projects with the revenues made available under this section if they are included in the most recently adopted regional program of projects. The Authority may amend the regional program of projects by a majority vote if the amendment does not require an Investment Plan amendment. Amendments to the Authority program of projects that require an Investment Plan amendment shall be approved according to Section 17.

Section 20. Strategic Plan. The Authority will prepare a Strategic Plan, which it will update at least every five years. The Authority will develop the initial strategic plan by November 1, 2010. The Strategic Plan will be the master document for delivery of the Investment Plan projects and programs and can be amended at any time. The Strategic Plan may be amended by a majority vote of the Authority; however, amendment of the Strategic Plan shall not serve to amend provisions of the Investment Plan. To the extent that any amendment of the Strategic Plan would serve to modify, cancel, reallocate funds or otherwise change a provision of the

Investment Plan, it shall require approval according to Section 20. The purposes of the Strategic Plan are to define the scope, cost, and schedule of each project, identify accomplishments and critical issues, lists a set of Investment Plan amendments to these projects, details the revenue projections and possible financing tools needed to deliver the Investment Plan, gather into one document the policies and procedures adopted to implement the Investment Plan.

Section 21. Amendments to this Ordinance

A. With the exception of Sections 4, 7, 9, 35, and 36 which require a vote of the electors of the County of Santa Barbara to amend, this ordinance may be amended by the Authority to further its purposes, with two-thirds of the members of the Authority concurring at any regular or special meeting called for the purpose. The Authority must hold a formal, 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.

B. Subsequent to any action by the Authority to amend this ordinance, the Authority shall notify the Board of Equalization, the Board of Supervisors, the city council of each city in the county, and the Santa Barbara Metropolitan Transit District board of directors of the proposed amendment(s) and provide each entity with a copy of the proposed amendment(s). Pursuant to Public Utilities Code 180207, proposed amendment(s) shall become effective 45 days after notice is given unless a local jurisdiction or the Santa Barbara Metropolitan Transit District, subsequent to a majority vote by its policy body, notifies the Authority in writing of its intent to appeal the Authority's approval of the Investment Plan amendment. Such written notice shall state the reason for the appeal. The agency appealing the proposed amendment(s) will have 45 days from the date notice is given to the Authority to obtain resolutions supporting the appeal of the amendment(s) from a majority of the cities representing a majority of the population residing within the incorporated areas in the county and from the Board of Supervisors. If a jurisdiction does not obtain the necessary resolutions supporting the appeal within 45 days of the date notice is given, the Authority's amendment(s) to the ordinance shall take effect. If the necessary resolutions are obtained within 45 days from the date notice is given, then the amendment(s) shall be rescinded by the Authority.

Section 22. Advisory Committees The following advisory committees are established to assist the Authority in the administration on the Investment Plan and this Ordinance.

A. The Citizens Oversight Committee will be appointed by the Authority to help ensure accountability to voters regarding the expenditure of funds and to assist the Authority in ensuring that all provisions, requirements and voter mandates specified in the Investment Plan and Ordinance are properly carried out. The committee will serve in an advisory capacity to the Authority and will be comprised of an appropriate balance of transportation users representing the geographic, social, cultural, and economic interests in the county. Each Subregion Committee established in Section 23 of this ordinance shall nominate four representatives for appointment by the Authority. Three "at large" representatives shall be nominated and appointed by the Authority. Employees and elected officials of local governments in Santa Barbara County, employees or policy board members of transit districts in Santa Barbara County, and persons with a personal financial interest in a project or program in the Investment Plan are ineligible to serve as representatives. The Authority must appoint the committee by April 1, 2010 or at least 90 days prior to the adoption of a Strategic Plan, whichever date is sooner. The committee will determine the frequency of its meetings and be provided with administrative and technical assistance by the Authority in conducting its business. ***The committee shall annually submit a letter to the Authority commenting on whether the provisions, requirements and voter mandates specified in the Investment Plan and Ordinance have been properly carried out. The letter may include observations and recommendations to the Authority.***

B. The Technical Advisory Committee will consist of a representative from the public works department from each city and the County of Santa Barbara, the Authority, the Santa Barbara Metropolitan Transit District and District 5 of the California Department of Transportation (Caltrans). Representatives shall serve at the will and pleasure of their appointing authority. The committee shall review, comment upon, and make recommendations on matters referred to it by the Authority.

Section 23. Authority Subregion Committees. The following Committees of the Authority are established to assist the Authority in implementing the Investment Plan and Ordinance.

A. The North County Subregion Committee will consist of the elected representatives appointed to the Authority by the cities of Buellton, Solvang, Lompoc, Guadalupe and Santa Maria, and Supervisors representing the 3rd, 4th and 5th supervisorial districts. Caltrans District 5 will be an ex-officio, non-voting, member of the committee. The Subregion Committee will recommend to the Authority, by majority vote, the policies and guidelines required to implement the North County Subregion Program of the Investment Plan that are not specified in this ordinance and will make recommendations to the Authority regarding the projects to be funded by the North County Subregion's discretionary programs, excluding the Local Street and Transportation Improvement Program. The Authority may accept or reject the Subregion Committee's recommendations but may not change the Subregion Committee's recommendations except but by a 2/3 majority vote. The Subregion Committee must also approve, by majority vote, any amendment to the North County Subregion Program prior to an Authority vote on the amendment pursuant to Section 17.B.

B. The South Coast Subregion Committee will consist of the elected representatives appointed to the Authority by the cities of Goleta, Santa Barbara, Carpinteria, and Supervisors representing the 1st, 2nd, and 3rd supervisorial districts. Caltrans District 5 and the Santa Barbara Metropolitan Transit District will be ex-officio, non-voting members of the committee. The Subregion Committee will recommend to the Authority, by majority vote, the policies and guidelines required to implement the South Coast Subregion Program of the Investment Plan that are not specified in this ordinance and will make recommendations to the Authority regarding the projects to be funded by the South Coast Subregion's discretionary programs, excluding the Local Street and Transportation Improvement Program. The Authority may accept or reject the Subregion Committee's recommendations but may not change the Subregion Committee's recommendations except but by a 2/3 majority vote. The Subregion Committee must also approve, by majority vote, any amendment to the South Coast Subregion Program prior to an Authority vote on the amendment pursuant to Section 17.B.

Section 24. Public Participation and Information. Meetings of the Authority Board, Subregion, Citizens Oversight and Technical Advisory committees shall be open to the public pursuant to the Ralph M. Brown Act, Government Code Section 54950 et seq. The planning and administration of this ordinance and the Investment Plan and operations of the Authority will be conducted in a transparent manner to encourage public participation. The Authority will ensure that there is accountability to the public in carrying out the purposes of this ordinance. A report by the Authority on the funding of projects and programs, local agency usage of required alternative transportation expenditure percentages, delivery of projects, financial status and projected schedule for future projects shall be presented in a public hearing at least annually. All such reports and records of the Authority shall be made available to the public and shall be on file in the Authority offices.

Section 25. Audit Provisions. No less than annually, the Authority shall conduct and approve an independent fiscal audit of the expenditure of all revenues raised by this ordinance. ***The scope and content of the audit shall be developed with the assistance of the Citizens Oversight Committee established pursuant to Section 22.A. The Citizens Oversight Committee shall review the draft audit report including findings and any recommendations.*** The audit, which shall be made available to the public and the Citizens Oversight Committee, shall report on evidence that the expenditure of revenues is in accordance with the Investment Plan. In addition, the audit shall determine that Maintenance of Effort requirements as set forth in Section 27 are being met. The audit shall also insure that no more than one percent (1%) of total retail transaction and use tax expenditures is used for administrative staff salaries and benefits in implementing this Investment Plan.

Section 26. Cooperative Fund Agreements. To maximize the effective use of funds, revenues may be transferred or exchanged between or among jurisdictions. Jurisdictions receiving funds may, by annual or multi-year agreement, exchange funds provided that the percentage of funds allocated as provided in the Investment Plan is maintained over the duration of the period of time the tax is imposed. Agreements to exchange funds, including fund repayment provisions, must be approved by the Authority and shall be consistent with all rules adopted or approved by the Authority relating to such exchanges. The Authority may

exchange revenues for State or federal funds allocated or granted to any public agency within or outside the area or jurisdiction of the Authority to maximize effectiveness in the use of the revenues. Such federal or State funds shall be distributed in the same manner as revenues derived from this ordinance. The Authority shall maintain for public review an accounting of all balances that are subject to cooperative agreements approved pursuant to this section.

Section 27. Maintenance of Effort. It is the intent of the Legislature and the Authority that revenues provided from this sales tax be used to supplement existing local revenues being used for the purposes set forth in the Investment Plan. Each local agency receiving revenues pursuant to the Investment Plan shall annually maintain an expenditure of local discretionary funds for street and road purposes which is no less than that reported in the State Controller's Annual Report of Financial Transactions for Streets and Roads for the Fiscal Year 2007-2008 and adjusted annually by the percentage change in the amount of retail transaction and use tax receipts collected through the imposition of this measure. If any local agency had extraordinary local discretionary fund expenditures for fiscal year 2007-2008, it may, subject to the approval of the Authority, use as a base for determining the required minimum level of local discretionary funds, the average amount of such funds reported to the State Controller for the three-year period of fiscal year 2005-2006 through 2007-2008. The Authority shall not allocate any revenues pursuant to this ordinance to any eligible local agency in any fiscal year until that local agency has certified to the Authority that it will include in its budget for that fiscal year an amount of local discretionary funding for streets and roads purposes at least equal to the minimum Maintenance of Effort required by this Section. An annual, independent audit shall be conducted to verify that the Maintenance of Effort requirements were met. Any local agency which does not meet its Maintenance of Effort requirements in any given fiscal year, shall have its funding reduced in a following year by the amount by which the expenditure of the agency for such purposes was less than its required level. Any local streets and roads revenues not allocated pursuant to these Maintenance of Effort requirements shall be redistributed to the remaining jurisdictions according to their share of the total County population, excluding the agency who has failed to meet its requirements, and excluding its share of population.

Section 28. Private Sector Funding. Revenues provided from this sales tax shall not be used to replace private developer funding, which has been or would ordinarily be committed for any project under prevailing law, regulation or administrative practice.

Section 29. Administrative Expenses. Revenues may be expended by the Authority for salaries, benefits, overhead, technical, auditing and legal services and for those services including contractual services, necessary to administer and implement the Investment Plan and revenue allocations under this ordinance. However, in no case shall the Authority expend more than one percent (1%) of the funds generated by the sales tax for salaries and benefits of its staff, as provided in California Public Utilities Code Section 180109(b). The cost of performing or contracting for project-related work shall be paid from the revenues allocated to the appropriate purpose, as set forth herein.

Section 30. Establishment of Separate Accounts – Interest. Each jurisdiction receiving Local Street and Transportation Improvement Program funds and the Santa Barbara Metropolitan Transit District shall deposit said funds in a separate Transportation Improvement Account. Interest earned on funds allocated pursuant to this ordinance shall be expended only for the purposes for which the funds were allocated.

Section 31. Bonding Authority. Upon voter approval of this ordinance, the Authority shall have the authority to issue limited tax bonds payable from the proceeds of the sales tax to accelerate the construction of needed transportation improvements and provide other funds needed to accomplish the projects and programs specified in the Investment Plan. The Authority, in allocating the annual revenues, shall meet all debt service requirements prior to allocating funds for other projects, whether they be Authority projects, Subregional or Local projects. "Limited tax bonds" means indebtedness and securities of any kind or class, including, but not limited to bonds, notes, revenue anticipation notes, commercial paper and certificates of participation. The authority to issue bonds hereunder shall include the authority to issue bonds on behalf of the Authority or any or all of its member agencies or the Santa Barbara Metropolitan Transit District. The Authority shall maintain for public review an accounting of all bonds issued pursuant to this section.

Section 32. Revenue and Taxation Code Amendments All statutory 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 33. 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 Authority, or against any officer of the State or the Authority, 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 34. Severability If any section, part, clause or phrase or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby. Should any provision of this ordinance for any reason be held invalid or unenforceable by a court of competent jurisdiction, that holding shall not affect the validity or enforceability of the remaining provisions, or the Existing Tax, and the Authority declares that it would have passed each part of this ordinance irrespective of the validity of any other part.

Section 35. Establishment of Appropriations Limit Article XIII (B) of the California Constitution requires that certain governmental entities, including the Authority, establish an annual appropriations limit. The maximum annual appropriations limit of the Authority is established at \$200 million. All expenditures of the transaction and use tax continued in Section 4 are subject to the appropriations limit of the Authority.

Section 36. Termination Date The authority to levy the tax imposed by this ordinance shall expire March 31, 2040. Taxes due on said date shall remain due until collected.

Section 37. Call for Election The Authority shall request by adoption of a Resolution that the Board of Supervisors of the County call an election at which the adoption of this ordinance shall be proposed to the voters of Santa Barbara County.

Passed, approved and adopted by the Santa Barbara County Local Transportation Authority this ___ day of 2008, by the following vote:

Ayes:	Noes:
Abstentions:	Absent:

Brooks Firestone
Chair, Santa Barbara County Local Transportation Authority

Attest:

James Kemp, Secretary

Approved as to Form
Daniel Wallace
Santa Barbara County Counsel

By: _____
Kevin E. Ready, Sr., Senior Deputy

Exhibit A to
Santa Barbara County Local Transportation Authority
Ordinance No. 5-01

Transportation Investment Plan

**ROAD REPAIR, TRAFFIC RELIEF AND
TRANSPORTATION SAFETY MEASURE FOR
SANTA BARBARA COUNTY**

TRANSPORTATION INVESTMENT PLAN

ROAD REPAIR, TRAFFIC RELIEF AND TRANSPORTATION SAFETY MEASURE FOR SANTA BARBARA COUNTY

Summary

This measure, consisting of an ordinance and investment plan, will implement needed road repair, traffic relief, and transportation safety projects and programs in Santa Barbara County.

The measure calls for the North County and South Coast to each receive \$455 million in funding for high priority transportation projects and programs that advisory committees in each region have selected to address the current and future needs of that region.

In the North County, the plan includes widening the Highway 101 Santa Maria River Bridge, improving safety on rural highways like 166, improving safety at school crossings and providing safe routes to schools, increasing senior and disabled accessibility to public transit, making local street improvements such as pothole and bridge repairs and adding turn lanes at intersections.

On the South Coast, the plan includes providing incentives for commuters to form carpools and vanpools, safer walking and bike routes to schools, increasing senior and disabled accessibility to public transit and making local street improvements such as pothole repairs and synchronized traffic signals. +

The measure will relieve traffic congestion and improve safety by providing \$140 million in matching funds to widen Highway 101 from 4 lanes to 6 lanes south of Santa Barbara and \$42 million for improvements on Highway 101 in the North County.

The improvements will be funded through a continuation of a local one half percent (1/2%) sales tax approved by county voters in 1989 which will expire in 2010. Upon approval of this measure by two-thirds of county voters, the term will be extended for 30 years, generate \$1.050 billion, and match an estimated \$522 million in federal and state gas taxes, developer fees and other funding for projects described in this investment plan.

The Santa Barbara County Local Transportation Authority, consisting of local elected officials from the eight cities and the board of supervisors, will administer the measure according to strict accountability provisions including annual independent financial audits and public review of expenditures by a citizen's oversight committee.

REQUIRED INVESTMENTS			
<u>Highway 101 Widening: Carpinteria to Santa Barbara</u>		\$140 million	
<u>North County</u>		\$455 million	
Hwy 101/Union Valley Parkway Interchange	Orcutt		\$10 mil.
Hwy 101 Santa Maria River Bridge	Santa Maria		\$10 mil.
Hwy 101/135 (Broadway) Interchange	Santa Maria		\$10 mil.
Hwy 101/Betteravia Interchange	Santa Maria		\$2 mil.
Hwy 101/McCoy Interchange	Santa Maria		\$10 mil.
Hwy 246 Passing Lanes	Lompoc-Buellton		\$20 mil.
Hwy 246/Santa Ynez River Bridge	Lompoc		\$8 mil.
Highway 166 Safety Improvements.	Guadalupe-Cuyama		\$3 mil.
Solvang Circulation Improvements			\$3 mil.
Buellton Circulation Improvements			\$3 mil.
Guadalupe Circulation Improvements			\$3 mil.
Specialized Transit, Seniors-Disabled			\$4.5 mil.
Safe Routes to School, Bicycle & Pedestrian			\$3 mil.
Carpool and Vanpool Program			\$2 mil.
Interregional Transit			\$22.5 mil.
Local Street & Transportation Improvements			\$341 mil.
(allocated as follows, with a min. of \$43 mil. for Safe Routes to School, transit services, bicycle, pedestrian and other alternative modes)			
Buellton	\$9.9 mil.	Guadalupe	\$12.5 mil.
Lompoc	\$65.4 mil.	Santa Maria	\$137.2 mil.
Solvang	\$11.2 mil.	County\Unincorp.	\$104.8 mil.
<u>South Coast</u>		\$455 million	
Safe Routes to School			\$13 mil.
Bike & Pedestrian Program			\$13 mil.
South Coast Transit Operations Program			\$58 mil.
South Coast Transit Capital Program			\$27 mil.
Interregional Transit			\$25.35 mil.
Specialized Transit, Seniors-Disabled			\$6 mil.
Carpool and Vanpool Program			\$7 mil.
Commuter\Passenger Rail			\$25 mil.
Carpinteria Circulation Improvements			\$1 mil.
Goleta Overpass Improvements			\$7 mil.
Local Street & Transportation Improvements			\$272.7 mil.
(allocated as follows)			
Carpinteria	\$22.78 mil.	Goleta	\$42.91 mil.
Santa Barbara	\$104.05 mil.	County\Unincorp.	\$102.91 mil.

I. INTRODUCTION

Through a public process involving elected officials from cities, the board of supervisors, members of the public, and Caltrans, the Santa Barbara County Local Transportation Authority has developed a ballot measure, The Road Repair, Congestion Relief and Transportation Safety Measure (“the measure”) to implement needed transportation improvements for the residents of the county.

The measure calls for investments in three program categories. Each program category will receive a percentage share of sales tax revenues, currently estimated at \$1.050 billion (in 2010 dollars) over 30 years.

<u>Program Category</u>	<u>Percent Share</u>	<u>30 Year Estimated Revenue</u>
• Highway 101 Widening Carpinteria to Santa Barbara	13.4%	\$140,000,000
• North County Subregion	43.3%	\$455,000,000
• South Coast Subregion	43.3%	\$455,000,000

Detail on the specific projects within each program category is provided in the Project Descriptions section of this document. An estimate of state, federal and other funds that will be leveraged or matched by the three programs is provided in Appendix A.

II. ADMINISTRATION AND OVERSIGHT

The implementation of the measure will be the responsibility of the Santa Barbara County Local Transportation Authority. The Authority is composed of thirteen elected officials: a representative from each of the eight cities in Santa Barbara County and five members of the Santa Barbara County Board of Supervisors. The Authority will be responsible for developing and updating a strategic plan to guide allocation decisions and project delivery. The Authority will develop the initial strategic plan by November 1, 2010, and update it at least every five years during the term of the plan. A citizen’s oversight committee will be established to serve as an independent oversight body that will advise the Authority on the administration of the measure and report to the public via annual audits of the measure. No more than 1% of measure revenues will be allocated to the Authority for administration and audits. The Authority will work closely and cooperatively with the California Department of Transportation (Caltrans) and transit agencies to secure state and federal grants to match funding from the measure for programs and projects. These partnerships will help to maximize the state and federal funds that can be leveraged with a local source of funds and to deliver projects in a timely manner.

III. MEASURE DEVELOPMENT

The development of the measure has been guided by three principles.

- **Reducing Traffic Congestion and Improving Safety on Highway 101 is Our Highest Priority.** The widening of Highway 101 from 4 to 6 lanes south of the city of Santa Barbara is a project of countywide importance and therefore \$140 million in revenues collected from throughout the county are devoted to the project as a match to \$285 million in state and federal gas taxes that will also be expended to complete the project. This will allow the project schedule to be accelerated an estimated 10 years. In addition, the plan includes \$42 million for improvements on Highway 101 in the North County, including widening the Santa Maria River Bridge.
- **Revenues Should be Shared Fairly Throughout the County.** The measure calls for the North County and South Coast to each receive \$455 million as matching funds for projects and programs that were selected by advisory committees in each region to meet the current and future needs of that region. Within each region, more than half of these funds will be distributed by a population formula to cities and unincorporated areas for

locally selected street and transportation improvements. These provisions ensure that revenues are shared fairly throughout the county and used to fund the most important projects in each community.

- **Local Control of Revenues and Citizen Accountability is Paramount.** The measure includes safeguards to ensure that our transportation priorities will be protected. Local elected officials who are closest to where the revenues are collected and understand their community's needs will make decisions with input from the public and a citizen's oversight committee. Consistent with State law, all sales tax revenues collected by passage of this measure will remain under the control of local elected officials serving as the Santa Barbara County Local Transportation Authority. Changes to the North County and South Coast programs can only be made with the prior approval of a committee of elected officials from the respective region. Approximately 60% of the measure's revenues are allocated to the cities and the County of Santa Barbara as "Local Street and Transportation Improvement" funding and will be expended on projects selected by city councils and the board of supervisors.

IV. PROJECT DESCRIPTIONS

The measure has three program categories that have been divided into specific projects: Highway 101 Widening South of Santa Barbara, North County Subregion, South Coast Subregion. The investment plan calls for a specific percentage of funding to be allocated to each category and then distributed to the projects in the category.

Funding for projects will be used in combination with other revenue sources such as state and federal gas taxes or local fees to deliver the projects and can be loaned to the State to deliver the projects sooner than would normally be expected using state and federal gas taxes. Where appropriate, traffic impact fees collected from new development served by a regional project will provide a fair share contribution to the cost of the project. Also, where appropriate, projects will reduce polluted roadway runoff entering storm drains and flowing into creeks, the ocean and onto county beaches consistent with state and federal law.

A. Highway 101 Widening: Carpinteria to Santa Barbara

This project will widen Highway 101 from 4 to 6 lanes between the city of Carpinteria and the city of Santa Barbara to improve safety, reduce traffic congestion and match the 6 lane highway south of Carpinteria and north of Santa Barbara. Funding will be used in combination with \$285 million in state and federal gas taxes to accelerate the project schedule by an estimated 10 years.

B. North County Subregion

This program includes projects north of the Santa Ynez mountains and includes the cities of Buellton, Guadalupe, Lompoc, Santa Maria, Solvang, and all unincorporated areas including, but not limited to, Orcutt, Vandenberg Village, Los Alamos, Los Olivos, Santa Ynez, and New Cuyama. The cost of highway and circulation projects in the North County program can include such items as traffic signals, sidewalks, bike lanes, intersection channelization, curbs and gutters, shoulders, and landscaping as long as these costs are directly related to the project.

- **Highway 101: Union Valley Parkway Interchange** **\$10,000,000**
Connect Union Valley Parkway to Highway 101 through a new interchange including northbound and southbound on and off ramps to provide Orcutt residents and businesses with access to and from 101 in addition to the existing Clark Avenue and Santa Maria Way interchanges.
- **Highway 101: Santa Maria River Bridge** **\$10,000,000**
Widen the Highway 101 Bridge over the Santa Maria River from 4 to 6 lanes to match the 6 lane widening south of the bridge that is currently under construction. The project will also add a bike and pedestrian path adjacent to the northbound lanes.
- **Highway 101: Highway 135 (Broadway) Interchange** **\$10,000,000**
Reconstruct the Highway 135 interchange with Highway 101 adjacent to the Santa Maria

River Bridge to improve safety for merging vehicles and accommodate the six lane widening of Highway 101.

- **Highway 101: Betteravia Road Interchange** **\$2,000,000**
Improve the operations of intersections at Betteravia Road and Highway 101 by constructing a northbound loop on ramp in the south east interchange quadrant.
- **Highway 101: McCoy Interchange** **\$10,000,000**
Connect McCoy Lane to Highway 101 through a new interchange including northbound and southbound on and off ramps to provide Santa Maria residents and businesses with improved access to the highway.
- **Highway 246: Passing Lanes** **\$20,000,000**
Improve the traffic safety and operations on Highway 246 between Buellton and Lompoc by adding passing lanes and turning lanes between Purisima and Domingos Roads.
- **Highway 246: Santa Ynez River Bridge** **\$8,000,000**
Improve access to Lompoc across the Santa Ynez River by a providing a bridge raised above flood level with wider shoulders that can safely accommodate vehicles, bicycles and pedestrians.
- **Highway 166 Safety and Operational Improvements** **\$3,000,000**
Improve safety and operations on Highway 166 by adding passing lanes, turning lanes, wider shoulders and enhanced enforcement.
- **Buellton Circulation Improvements** **\$3,000,000**
Improve local streets and highways, consistent with the City of Buellton's circulation element, including median improvements, widening roads, installing traffic signals, improving bicycle and pedestrian safety, park and ride lots, and improving intersections.
- **Solvang Circulation Improvements** **\$3,000,000**
Make safety and operational improvements to local streets and/or Highway 246 in Solvang including intersection improvements, pedestrian crossings, bicycle lanes, wider bridges and traffic signal synchronization.
- **Guadalupe Circulation Improvements** **\$3,000,000**
Improve local streets and highways, consistent with the City of Guadalupe's circulation element, including widening roads, installing traffic signals, improving bicycle and pedestrian safety, and improving intersections.
- **Specialized Transit for Elderly and Disabled** **\$4,500,000**
Reduce fares charged to the elderly and the disabled by funding the operating expenses of specialized transit service providers in the North County including transit operators and Consolidated Transportation Service Agencies (CTSAs).
- **Safe Routes to School, Bicycle & Pedestrian Program** **\$3,000,000**
Fund projects through a competitive grant process that increase pedestrian and bicycle safety to, from and near schools in North County and expand and improve the North County's regional bicycle and pedestrian facilities network. Cities and the County would be eligible to compete for funding. Projects proposed by cities and the County may include projects to be coordinated in partnership with school districts, universities, colleges, transit agencies and Caltrans. Funds would be used for planning, project development, and construction of capital projects, education programs and maintenance. Eligible projects include, but are not limited to, wider shoulders and sidewalks near schools, crosswalk signals and school zone signage, traffic calming near schools, pedestrian and bicycle safety education for students, new bike routes and pedestrian paths to eliminate missing links in the regional network, path lighting, route plans and maps.

- Carpool and Vanpool Program** **\$2,000,000**
 Reduce traffic congestion, improve air quality, and expand commuter choices on North County roads and highways through the formation of carpools and vanpools and by facilitating the use of transit services, bicycle and pedestrian options, telecommuting and flexible work schedules. Whenever possible, funds would be used in partnership with employers that are seeking to improve employee retention and mitigate the jobs-housing imbalance by expanding commute options for their employees. Funds would be used for planning, implementation, education, marketing and incentives to increase use of these options. An annual report would be published quantifying the effectiveness of the program to ensure that performance measures are being met. It is intended that program funds be used with South Coast Program funds to match federal, state, local, and private funding to maximize the number of commute options implemented.
- Interregional Transit Program** **\$22,500,000**
 Maintain and expand bus service between North County and South Coast regions and between Santa Barbara County and adjoining counties. Funding would be used to continue existing services after federal funding grants expire, deliver expanded peak hour commute and express bus service and provide greater frequencies on existing routes. Any public transit operator providing interregional services shall be eligible to receive these funds and funds allocated under this program shall be allocated directly to the public transit operator providing the service. Expenses for vehicles, capital facilities such as transportation hubs, operations and planning and promotions are eligible.
- Local Street and Transportation Improvements** **\$341,000,000**
 These are projects of local importance in the North County selected by city councils and the Board of Supervisors. Projects eligible for funding include, but are not limited to, pothole repairs, safety improvements, bridge repairs and traffic synchronization. A full list of eligible projects is shown on Appendix B1. Revenues will be allocated to cities and the County based on their proportionate share of the North County population after each jurisdiction has received a \$100,000 annual base allocation. Below is a table showing an estimate of how much each jurisdiction can expect to receive for local street and transportation improvements.

North County Jurisdictions	30 Year Allocation	Alternative Transportation
Buellton	\$9,928,000	5%
Guadalupe	\$12,504,000	5%
Lompoc	\$65,421,000	15%
Santa Maria	\$137,205,000	15%
Solvang	\$11,164,000	15%
County of Santa Barbara (unincorporated North County)	\$104,778,000	10%
North County Total	\$341,000,000	-----

Each jurisdiction must spend a minimum percentage of their funds on eligible alternative transportation projects according to the percentages identified in the table above. This requirement must be met by the fifth year of the program, and every fifth year thereafter. Eligible alternative transportation projects are listed in Appendix B2.

C. South Coast Subregion.

This program includes projects south of the Santa Ynez mountains and includes the cities of Goleta, Santa Barbara, Carpinteria and all unincorporated areas including, but not limited to, Isla Vista, the Goleta Valley, Montecito, and Summerland.

- **Safe Routes to School Program** **\$13,000,000**
Fund projects through a competitive grant process that increase pedestrian and bicycle safety to, from and near schools on the South Coast. Cities and the County would be eligible to compete for funding. School districts, universities, colleges, transit agencies, and Caltrans would be eligible to compete for funding with a city or county co-sponsor. Funds would be used for capital projects, maintenance and education programs. Eligible projects include, but are not limited to, traffic calming near schools, wider shoulders and sidewalks near schools, crosswalk signals and school zone signage, pedestrian and bicycle safety education for students.

- **Specialized Transit for Elderly and Disabled** **\$6,000,000**
Reduce fares charged to the elderly, the handicapped, and the transportation disadvantaged by funding the operating expenses of specialized transit service providers on the South Coast.

- **Carpool and Vanpool Program** **\$7,000,000**
Reduce traffic congestion, improve air quality, and expand commuter choices through the formation of carpools and vanpools and by facilitating the use of transit services, bicycle and pedestrian options, telecommuting and flexible work schedules. Whenever possible, funds would be used in partnership with employers that are seeking to improve employee retention and mitigate the jobs-housing imbalance by expanding commute options for their employees. Funds would be used for planning, implementation, education, marketing and incentives to increase use of these options. An annual report would be published quantifying the effectiveness of the program to ensure that performance measures are being met. It is intended that program funds be used with North County Program funds to match federal, state, local, and private funding to maximize the number of commute options implemented.

- **South Coast Transit Program**
Maintain and expand public bus service within and between the cities on the South Coast of Santa Barbara County through two sub-programs.
 - a. South Coast Transit Operations Program: **\$58,000,000**
Funding for costs related to operating general public bus services, planning, marketing and promotions directly allocated to SBMTD.
 - b. South Coast Transit Capital Program: **\$27,000,000**
Funding for transit capital projects directly allocated to SBMTD for general public bus services.

- **Interregional Transit Program** **\$25,350,000**
Maintain and expand bus service between South Coast and North County regions and between Santa Barbara County and adjoining counties. Funding would be used to continue existing services after federal funding grants expire, deliver expanded peak hour commute and express bus service and provide greater frequencies on existing routes. Any public transit operator providing interregional services shall be eligible to receive these funds and funds allocated under this program shall be allocated directly to the public transit operator providing the service. Expenses for vehicles, capital facilities such as transportation hubs, operations and planning and promotions are eligible.

- **Regional Bicycle and Pedestrian Program** **\$13,000,000**
Fund projects through a competitive grant process that would expand and improve the South Coast's regional bicycle and pedestrian facilities network. Cities and the County would be eligible to compete for funding. School districts, universities, colleges, transit agencies, and Caltrans would be eligible to compete for funding with a city or county co-sponsor. Funds would be used for planning, project development, and construction of

capital projects, education programs, and maintenance. Eligible projects include, but are not limited to, new bike routes and pedestrian paths to eliminate missing links in the regional network, path lighting, route plans and maps.

- **Commuter & Passenger Rail Planning & Service Improvements** **\$25,000,000**
 Improve passenger rail service between Ventura and Goleta to reduce congestion on Highway 101 and provide commuters with an alternative to driving. Eligible expenditures are capital and operating costs including developing new schedules and service plans, obtaining environmental clearances, negotiating agreements, operating subsidies, rolling stock and related equipment, promotions and marketing, maintenance, connecting transit service, track improvements, station facilities, train and grade crossing controls. Funds may be used to revise Amtrak Pacific Surfliner schedules to improve service for commuters and to plan for implementation of new commuter train service between Ventura County and Goleta.
- **Carpinteria Circulation Improvements** **\$1,000,000**
 Make safety or operational improvements to local streets and highways, consistent with the City of Carpinteria’s circulation element, including intersection improvements, synchronizing traffic signals, improving bicycle and pedestrian safety and mitigating the impacts of transportation improvements within the community.
- **Goleta Overpass Improvement** **\$7,000,000**
 Improve traffic circulation in Goleta by constructing a new overpass of Highway 101. Funding will be used in combination with other revenue sources such as state and federal gas taxes or local fees to deliver the project and can be loaned to the State to deliver the project sooner than would normally be expected using state and federal gas taxes. The cost of this project can include such items as traffic signals, sidewalks, bike lanes, intersection channelization, curbs and gutters, shoulders, and landscaping as long as these costs are directly related to the project.
- **Local Street & Transportation Improvements** **\$273,150,000**
 These are projects of local importance selected by city councils and the Board of Supervisors. Projects eligible for funding include pothole repairs, traffic signal synchronization, bridge repairs and safety improvements. A full list of eligible projects is shown on Appendix B1.

Revenues will be allocated to cities and the County based on their proportionate share of the South Coast population after each jurisdiction has received a \$100,000 annual base allocation. The table below shows the estimated net allocation that each jurisdiction would receive for local street and transportation improvements.

South Coast Jurisdictions	Net 30 Year Allocation	Percent of Gross Allocation to MTD
Carpinteria	\$22,777,000	7.96%
Goleta	\$42,913,000	13.18%
Santa Barbara	\$104,054,000	26.05%
County of Santa Barbara (unincorporated South Coast)	\$102,906,000	11.12%
South Coast Total	\$272,650,000	-----

Each jurisdiction must contribute a percent of their gross allocation, specified in the table above, to the South Coast Transit Operations Program, and the funds will be directly allocated to the Santa Barbara MTD by the Authority. Each South Coast city and the County of Santa Barbara shall expend a minimum of 10% of their Net 30 Year Allocation, on eligible alternative transportation projects. This requirement must be met by the fifth year of the program, and every fifth year thereafter. Eligible alternative transportation projects are listed in Appendix B2.

APPENDIX A
Matched & Leveraged Funds

The Road Repair, Traffic Relief and Transportation Safety Measure is expected to generate \$1.050 billion over 30 years and match or leverage an estimated \$522 million in federal and state gas taxes, developer fees and contributions from neighboring counties. Estimated matched and leveraged funds per project are listed on the table below:

Projects with Matched & Leveraged Funding	Area	Sales Tax Funds to be Used as a Match	Matched & Leveraged Funds
Highway 101 Widening South of Santa Barbara		\$140,000,000	\$285,000,000
Highway 101: Union Valley Parkway Interchange	Orcutt	\$10,000,000	\$7,000,000
Highway 101: Santa Maria River Bridge	Santa Maria	\$10,000,000	\$40,000,000
Highway 101: Highway 135 (Broadway) Interchange	Santa Maria	\$10,000,000	\$13,000,000
Highway 101: Betteravia Road Interchange	Santa Maria	\$2,000,000	\$3,000,000
Highway 101: McCoy Lane Interchange	Santa Maria	\$10,000,000	\$15,000,000
Highway 246: Passing Lanes	Lompoc - Buellton	\$20,000,000	\$30,000,000
Highway 246: Santa Ynez River Bridge	Lompoc	\$8,000,000	\$18,000,000
Highway 166 Safety & Operational Improvements	Guadalupe - Cuyama	\$3,000,000	\$3,000,000
Solvang Circulation Improvements		\$3,000,000	\$4,000,000
Buellton Circulation Improvements		\$3,000,000	\$3,000,000
Guadalupe Circulation Improvements		\$3,000,000	\$3,000,000
Carpool and Vanpool Incentives Program	countywide	\$9,000,000	\$11,000,000
Safe Routes to School, Bicycle and Pedestrian Improvements	countywide	\$29,000,000	\$9,000,000
Goleta Overpass Improvement		\$7,000,000	\$18,000,000
Local Street & Transportation Improvement Funding	countywide	\$614,150,000	\$60,000,000
TOTAL		\$881,650,000	\$522,000,000

APPENDIX B1

Local Street and Transportation Improvements Funding Eligible Uses

City councils and the board of supervisors may expend Local Street and Transportation Improvements funding on the following uses

1. Maintaining, improving or constructing roadways, bridges, and bicycle and pedestrian facilities
2. Safe Routes to School improvements
3. Safety improvements
4. Reduced transit fares for seniors and the disabled
5. Bus and rail transit services that provide alternatives to the automobile
6. Programs that reduce transportation demand
7. The operation of urban forestry street tree programs
8. Storm damage repair to transportation facilities
9. Roadway drainage facilities
10. Traffic signal coordination, intersection channelization
11. Traffic management
12. Landscaping maintenance
13. Highway improvements
14. Matching funds for state and regional programs and projects
15. Bus and rail transit facilities

APPENDIX B2

Eligible Local Street and Transportation Improvements Funding Alternative Transportation Expenditures

Local Street and Transportation Improvement funding may be expended by city councils and the board of supervisors on the following uses to meet the prescribed alternative modes percentage.

1. Maintenance, repair, construction and improvement of bicycle and pedestrian facilities, excluding maintenance of Class 2 bikeway facilities.
2. Safe Routes to School improvements
3. Reduced transit fares for seniors and the disabled
4. Bus and rail transit services and facilities
5. Education and incentives designed to reduce single occupant auto trips

The County of Santa Barbara may count expenditures on Class 2 bikeway maintenance toward its alternative transportation percentage but these expenditures may not exceed 50% of the County's prescribed percentage.

RESOLUTION OF THE SANTA BARBARA COUNTY
ASSOCIATION OF GOVERNMENTS, ACTING AS THE
SANTA BARBARA COUNTY LOCAL TRANSPORTATION AUTHORITY

A RESOLUTION REQUESTING THE SANTA
BARBARA COUNTY BOARD OF SUPERVISORS
CALL AN ELECTION FOR PURPOSES OF
VOTER APPROVAL OF MEASURE A
TRANSPORTATION SALES TAX

RESOLUTION NO. 08-__

WHEREAS, the Measure D Transportation Sales Tax, passed in 1989 by the voters of Santa Barbara County has proved invaluable in providing local funding for critically needed transportation projects; and

WHEREAS, Measure D will expire on March 31, 2010 and if not continued, will result in the loss of funding for important transportation projects and programs; and

WHEREAS, the Santa Barbara County Association of Governments, acting as the Santa Barbara County Local Transportation Authority (SBCLTA) has determined that it is in the best interests of the residents of Santa Barbara County that the voters consider extending the transportation sales tax for an additional thirty years with no increase in the tax rate of one-half percent ; and

WHEREAS, the SBCLTA has adopted the Measure A Transportation Investment Plan pursuant to California Public Utilities Code Section 180206 (a); and

WHEREAS, the Measure A Transportation Investment Plan has been approved by each city council and the County Board of Supervisors; and

WHEREAS, California Public Utilities Code Section 180201 and 180203 calls for a special election for adoption of an ordinance approving an extension of this Measure by popular vote of the electorate ; and

WHEREAS, the SBCLTA has adopted Ordinance No. 5 calling for a vote of the Santa Barbara County electorate.

NOW, THEREFORE, BE IT RESOLVED that the SBCAG Board of Directors, acting as the SBCLTA does hereby request:

1. That the Board of Supervisors of Santa Barbara County call an election of the voters of the County on November 4, 2008 for purposes of adopting the SBCLTA Ordinance No.5, and
2. That the election be conducted as called for in Public Utilities Code Section 180203 and other applicable provisions of law, and
3. That the ballot language submitted for voter approval be substantially as follows:

MEASURE A 2008: SANTA BARBARA COUNTY ROAD REPAIR, TRAFFIC RELIEF AND TRANSPORTATION SAFETY MEASURE

Shall voters approve an ordinance to:

- Repair potholes;
- Provide safe routes to school;
- Widen Highway 101 south of Santa Barbara to relieve congestion;
- Implement local street/highway safety improvements;
- Expand public bus services/passenger rail, with increased senior/disabled accessibility;
- Synchronize traffic signals;
- Earthquake retrofit bridges/overpasses;
- Increase pedestrian/bike safety;

by continuing, but not increasing, the existing half-cent sales tax for 30 years with local control, independent financial audits and public review of expenditures?

PASSED AND ADOPTED this 19th day of June 2008 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Jim Kemp
Executive Director
Santa Barbara County
Association of Governments

Brooks Firestone
Chair
Santa Barbara County
Association of Governments

APPROVED AS TO FORM:

Kevin E. Ready, Sr.
Deputy County Counsel