



**Santa Cruz County  
Regional Transportation Commission  
Measure D Taxpayer Oversight Committee**



**AGENDA  
Monday, October 29, 2018  
6:00 p.m.  
Location: RTC Conference Room  
1523 Pacific Ave, Santa Cruz, CA**

**NOTE:**

- See the last page for details about access for people with disabilities, translation services and meeting broadcasts.
- En Español: Para información sobre servicios de traducción al español, diríjase a la última página.
- Agendas Online: To receive email notification when the RTC Measure D Taxpayer Oversight Committee meeting agenda packet is posted on our website, please call (831) 460-3200 or visit <https://sccrtc.org/about/esubscriptions/>

**Taxpayer Oversight Committee Members**

Representing	Name
Supervisory District 1	Janet Edwards
Supervisory District 2	Michael Machado
Supervisory District 3	Abel Rodriguez
Supervisory District 4	Carmen Herrera Mansir
Supervisory District 5	Todd Guin

1. Call to Order
2. Introductions of Committee Members
  - a. Staff report to RTC with applications from committee members - page 4
3. Introduction of Staff and Background on the RTC - page 20
4. Additions, deletions, or other changes to consent and regular agendas

**CONSENT AGENDA**

*All items appearing on the consent agenda are considered to be minor or non-controversial and will be acted upon in one motion if no member of the Committee or public wishes an item be removed and discussed on the regular agenda. Members of the Committee may raise questions, seek clarification or add directions to Consent Agenda items without removing the item from the Consent Agenda as long as no other committee member objects to the change.*

5. None

## **REGULAR AGENDA**

6. Overview of Committee Purpose, Scope of Responsibilities, Membership and Composition and Bylaws !`dU[ Y`&%  
(Shannon Munz, Communications Director)
  - a. Staff Report
  - b. Section 32 of the Measure D Ordinance
  - c. Excerpts of the RTC Rules and Regulations related to Committee Bylaws and the Measure D Taxpayer Oversight Committee
  - d. Rosenberg's Rules of Order

7. Election of Officers: Committee chair and vice chair

8. Measure D Overview - page 45  
(Rachel Moriconi, Senior Transportation Planner)
  - a. Staff Report
  - b. Measure D Fact Sheet
  - c. Measure D Ordinance
  - d. Measure D Expenditure Plan

9. Measure D 5-Year Plans for Regional Projects - page 77  
(Rachel Moriconi, Senior Transportation Planner)
  - a. Staff Report
  - b. 5-Year Plans approved by RTC board June 2018

10. Committee Member and Staff Comments or Questions

11. Public Comment on Matters Not on the Agenda  
*Any member of the public may address the Committee on any item within the jurisdiction of the Committee that is not already on the agenda. At the discretion of the chair, the amount of time for oral communications may be limited. Committee members will not take action or respond immediately to any Oral Communications presented, but may choose to follow up at a later time, either individually, or on a subsequent Committee agenda.*

*Speakers are requested to sign the sign-in sheet and state their name clearly so that their names can be accurately recorded in the minutes of the meeting.*

12. Next meetings – The next meeting of the oversight committee is expected to be held following availability of the FY17/18 financial expenditure reports, in February or March 2019.
  13. Adjourn
-

**HOW TO REACH THE RTC OR MEASURE D OVERSIGHT COMMITTEE:**

*Santa Cruz County Regional Transportation Commission*

*1523 Pacific Avenue, Santa Cruz, CA 95060; phone: (831) 460-3200 / fax (831) 460-3215*

*email: [info@sccrtc.org](mailto:info@sccrtc.org) / website: [www.sccrtc.org](http://www.sccrtc.org)*

**ACCOMMODATIONS FOR PEOPLE WITH DISABILITIES:** *The Santa Cruz County Regional Transportation Commission does not discriminate on the basis of disability and no person shall, by reason of a disability, be denied the benefits of its services, programs, or activities. This meeting location is an accessible facility. If you wish to attend this meeting and require special assistance in order to participate, please contact RTC staff at 460-3200 (CRS 800/735-2929) at least three working days in advance of this meeting to make arrangements. People with disabilities may request a copy of the agenda in an alternative format. As a courtesy to those person affected, Please attend the meeting smoke and scent-free.*

**SERVICIOS DE TRADUCCIÓN/ TRANSLATION SERVICES:** *Si gusta estar presente o participar en juntas de la Comisión Regional de Transporte del condado de Santa Cruz y necesita información o servicios de traducción al español por favor llame por lo menos con tres días laborables de anticipo al (831) 460-3200 para hacer los arreglos necesarios. (Spanish language translation is available on an as needed basis. Please make advance arrangements at least three days in advance by calling (831) 460-3200.)*

**TITLE VI NOTICE:** *The RTC operates its programs and services without regard to race, color and national origin in accordance with Title VI of the Civil Rights Act. Any person believing to have been aggrieved by the RTC under Title VI may file a complaint with RTC by contacting the RTC at (831) 460-3212 or 1523 Pacific Avenue, Santa Cruz, CA 95060 or online at [www.sccrtc.org](http://www.sccrtc.org). A complaint may also be filed directly with the Federal Transit Administration to the Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5th Floor-TCR, 1200 New Jersey Ave., SE, Washington, DC 20590.*

**AVISO A BENEFICIARIOS SOBRE EL TITULO VI:** *La RTC conduce sus programas y otorga sus servicios sin considerar raza, color u origen nacional de acuerdo al Titulo VI del Acta Sobre los Derechos Civiles. Cualquier persona que cree haber sido ofendida por la RTC bajo el Titulo VI puede entregar queja con la RTC comunicándose al (831) 460-3212 o 1523 Pacific Avenue, Santa Cruz, CA 95060 o en línea al [www.sccrtc.org](http://www.sccrtc.org). También se puede quejar directamente con la Administración Federal de Transporte en la Oficina de Derechos Civiles, Atención: Coordinador del Programa Título VI, East Building, 5th Floor-TCR, 1200 New Jersey Avenue, SE, Washington, DC 20590.*

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**AGENDA:** September 6, 2018

**TO:** Santa Cruz County Regional Transportation Commission

**FROM:** Shannon Munz, Communications Specialist

**RE:** Santa Cruz County Measure D Taxpayer Oversight Committee

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## **RECOMMENDATIONS**

The Measure D Taxpayer Oversight Committee Selection Ad-Hoc Committee and staff recommend that the Regional Transportation Commission:

1. Appoint the five candidates listed on Attachment 1 to the Measure D Taxpayer Oversight Committee, and
  2. Authorize staff to work with the appointed members to convene the committee, provide orientation and begin their work.
- 

## **BACKGROUND**

Measure D, the "Santa Cruz County Transportation Improvement Plan Measure," passed by more than a 2/3 majority of Santa Cruz County voters on November 8, 2016. Measure D includes a number of safeguards, audits and accountability provisions to protect Santa Cruz County taxpayers' investment. Per Section 32C of the voter approved measure, the Regional Transportation Commission (RTC), as the directors of the Measure D Authority, is responsible for forming an oversight committee tasked with the following responsibilities:

- Reviewing Expenditure Plan expenditures on an annual basis to ensure they conform to the Ordinance.
- Reviewing the annual audit and report prepared by an independent auditor, describing how funds were spent.
- Produce a publicly available Annual Report of oversight activities.

In August 2017, the RTC revised its rules and regulations to incorporate the Measure D Taxpayer Oversight Committee in the bylaws for RTC committees and approved an application to solicit applicants for the committee. The duties of the oversight committee will begin with an audit of the first year's Measure D expenditures.

## **DISCUSSION**

Based on the requirements of the voter-approved Measure D ordinance, a Taxpayer Oversight Committee must be formed to review Measure D expenditures according

to the expenditure plan, review the annual fiscal audit and release an annual report of the oversight activities. Measure D states that the committee will meet one to four times per year, and that membership on the committee is limited to five members who all must reside in the county; therefore, the bylaws establish that one resident from each of the five county supervisorial districts will compose the Taxpayer Oversight Committee. Measure D also states that committee members:

- Cannot be elected officials of any government;
- Cannot be employees of any agency or organization that either oversees or implements projects funded from the proceeds of Measure D;
- Will fairly represent the geographical, social, cultural, and economic diversity of Santa Cruz County; and
- Include at least one person with an accounting or fiscal management background.

The application period for the Measure D Taxpayer Oversight Committee was from March 1, 2018 to June 1, 2018. During this timeframe, staff heavily promoted the application period through existing RTC channels of communication, including the televised RTC meetings, website, eNews, Facebook, Twitter, Nextdoor, newspaper & radio ads, and targeted emails to community groups. To ensure a diversity of applicants, ads were placed in newspapers around the county, including the Santa Cruz Sentinel, Good Times, Aptos/Capitola Times, Scotts Valley Press Banner, Register Pajaronian and La Ganga (Spanish). Radio ads ran in English on KSCO and in Spanish on La Preciosa.

The application asked applicants to provide information on how they may represent the social, cultural and economic diversity of the county. The application also asked applicants to provide information regarding their accounting and fiscal management background. This information was used to help ensure the establishment of a committee that satisfies the requirements of Measure D.

In total, 35 applications were submitted. Supervisorial District 1 received 11 applications. Supervisorial District 2 received 11 applications. Supervisorial District 3 received 8 applications. Supervisorial District 4 received 1 application. Supervisorial District 5 received 4 applications.

Once the application period closed, Commission Chair Leopold established an Ad Hoc Committee composed of himself, Commissioner Brown and Commissioner McPherson, to review the applications with staff. On August 15, the Ad Hoc Committee and staff met and selected five candidates, one from each supervisorial district, to recommend to the Commission for approval to fill the five spots on the Measure D Taxpayer Oversight Committee. **Therefore, the Ad-Hoc Committee and staff recommend that the RTC appoint the five candidates listed on Attachment 1 and authorize the RTC to convene the committee and begin its work.**

The Ad Hoc Committee feels that the five candidates chosen represent the entire community, and provide balance and diversity. The five candidates range in age,

are a mix of male and female, represent different cultures and ethnicities, have a wide range of business experience and education, and come from each of the five supervisorial districts for geographic diversity. The selected candidates also have different needs and interests when it comes to transportation and transportation infrastructure in the county. They walk, bike, use a wheelchair, ride METRO, and drive themselves around the county. They have a broad range of financial experience and come from different walks of life including the business community, public sector, organized labor, non-profits, and academia.

## **SUMMARY**

Measure D, which was approved by over 2/3 of Santa Cruz County voters in November 2016, includes the formation of an oversight committee. From March 1, 2018, through June 1, 2018, the application period for the committee was open. RTC staff promoted the application period through multiple communications channels across the entire county, including in Spanish, to ensure geographical, social, cultural, and economic diversity. In total, 35 applications were received. Chair Leopold convened an Ad Hoc Committee made up of himself and Commissioners Brown and McPherson to review the applications with staff and select five candidates to recommend to the Commission for approval and appointment to the Measure D Taxpayer Oversight Committee.

## **Attachments:**

1. Applicants Recommended for the Measure D Taxpayer Oversight Committee
2. Janet Edwards Application
3. Michael Machado Application
4. Abel Rodriguez Application
5. Carmen Herrera Mansir Application
6. Todd Guin Application

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Supervisorial District 1					
Name	Place of Residence	How you represent the social, cultural and economic diversity of SCC	Accounting/Fiscal Management background	Previous or current experience on commissions or committees	Notes
Janet Edwards	Santa Cruz	Mother of two boys - one is autistic and uses public transportation. She is in wheelchair and "wheels around town noticing every bump and blockage."	Has a business degree with an emphasis in accounting and a masters in business administration. Worked with several small companies and created financial statements.	Not currently on any committee but worked with a non-profit for 6 years as the treasurer of its committee.	
Supervisorial District 2					
Name	Place of Residence	How represents social, cultural and economic diversity of SCC	Accounting/Fiscal Management background	Previous experience on commissions or committees	Notes
Michael Machado	Watsonville	Lived in Santa Cruz County for most of his life and is very concerned about the serious transportation challenges facing the community.	Has been a CPA for 46 years and has supervised the audits of numerous governmental entities, including audits of Santa Cruz County, City of Santa Cruz, Scotts Valley, Capitola, Los Gatos, Campbell, Livermore, Santa Cruz Port District and Moss Landing Port District. Was a partner with KPMG, and regional accounting firm Hutchinson and Bloodgood for 20 years.	Previously served as co-chair and treasurer of the Santa Cruz County Business Council. Past president and treasurer of the Cabrillo College Foundation, past treasurer of the United Way of Santa Cruz County, and past president of the Watsonville Rotary.	Letter of recommendation from Santa Cruz Business Council executive director.
Supervisorial District 3					
Name	Place of Residence	How represents social, cultural and economic diversity of SCC	Accounting/Fiscal Management background	Previous experience on commissions or committees	Notes
Abel Rodriguez	Live Oak	Latino, first-generation immigrant with deep roots in the local community, and also part of a mixed ethnic family which "gives a particular vantage point from which to see transportation issue in our county and their impact on different community groups." Is also a professor at UCSC.	Has an MA in economics from Duke University, with a focus on finance. Has practical experience reviewing financial reports from his work at UCSC and previous experience as a CEO of his family's business.	Previous chair of the Academic Senate Committee on Planning and Budget for UCSC for two years, and regular member for two more years. Because of his role as chair of Planning and Budget at UCSC, he has been a part of a number of committees involved in the evaluation of capital projects and other investments, including the Housing West project and the renovation of Kresge College.	

## Applicants recommended for the Measure D Taxpayer Oversight Committee

Supervisory District 4					
Name	Place of Residence	How represents social, cultural and economic diversity of SCC	Accounting/Fiscal Management background	Previous experience on commissions or committees	Notes
Carmen Herrera Mansir	Watsonville	Is an immigrant and a longtime resident of Watsonville. Is the executive director of El Pajaro Community Development Corporation, an organization with the mission of "promoting equal access to economic opportunity." Works with a very diverse group of community members in different capacities. As a micro and small business development services provider she "supports the entrepreneurial community of Pajaro Valley and other Santa Cruz residents." She is a constant user of the public transportation system and her family depends on the use of the METRO system.	Has been the executive director of El Pajaro CDC for over 12 years and has ensured the financial health and growth of the organization. Part of the job is to oversee and assure the sound financial management of the organization, including working closely with their CPA and auditors.	Has been part of Watsonville's "Blue Ribbon" Committee. Is currently a board member of Santa Cruz Community Ventures and the California Association for Microenterprise Opportunity. Has also served on the Watsonville Community Connections Committee.	
Supervisory District 5					
Name	Place of Residence	How represents social, cultural and economic diversity of SCC	Accounting/Fiscal Management background	Previous experience on commissions or committees	Notes
Todd Guin	Felton	Married with two sons. Rents home in Felton and uses various transportation modes, including walking, biking, driving and METRO.	Has a degree in business with a focus on accounting. Currently in the testing phase of becoming a Certified Public Accountant. Worked as an auditor in the County office of the Auditor-Controller-Treasurer-Tax Collector. Now works as an accountant at the County's Behavioral Health Department.	On the Governing Board and Committee on Political Education for SEIU Local 521. He is also the treasurer for the Felton Cub Scout Pack Number 654.	



## ATTACHMENT 2

### *Application for the* **Santa Cruz County Measure D Taxpayer Oversight Committee**

Per voter-approved Measure D, the Oversight Committee shall:

- A. Review Expenditure Plan expenditures on an annual basis to ensure that they conform to the Ordinance.
- B. Review the annual audit and report prepared by an independent auditor, describing how funds were spent.
- C. Produce a publicly available Annual Report of Oversight Activities issued to the Regional Transportation Commission with findings regarding compliance with the requirements of Measure D and its Expenditure Plan.

Meetings: Maximum of four (4) per year      Term: Two (2) years with option for reappointment

Name: Janet Edwards Address: [REDACTED]

Email: [REDACTED] Other Phone: [REDACTED] Supervisorial District: 1 one

The voter approved Measure D ordinance states that the Oversight Committee will fairly represent the "social, cultural, and economic diversity of Santa Cruz County to ensure maximum benefit for transportation users." Describe how you represent the above (attach additional pages if necessary).

\_\_\_\_ Woman, Mother of 2 boys, one of boys is autistic and uses public transportation, I use public transportation occasionally, I am in a wheelchair and sometimes prefer to wheel to location rather than take a van, when I do wheel I notice every bump and blockage there is

Describe your accounting or fiscal management background, if any

I have a Business Degree with emphasis in Accounting and a Masters in Business Administration, I worked for several small companies and created financial statements and worked with many types of auditors to finalize statements and prove all the details

Describe your previous experience, including if you are currently a member of a commission or committee. \_\_\_\_ Not currently a member of any committee or commission but worked with a non-profit for 6 years as a member of the their committee and Treasurer for that committee

Members of the Measure D Oversight Committee must be Santa Cruz County residents who are neither elected officials of any government, nor employees from any agency or organization that either oversees or implements projects funded from the proceeds of the Measure D sales tax.

I certify that the above information is true and complete to the best of my knowledge and that I am neither an elected official of any government nor an employee of any agency or organization that either oversees or implements projects funded from the proceeds of the Measure D sales tax:

Signature: Janet Edwards Date: 4/3/2018

ATTACHMENT 3

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APR 12 2018

*Application for the*  
**Santa Cruz County Measure D Taxpayer Oversight Committee**

Per voter-approved Measure D, the Oversight Committee shall:

- A. Review Expenditure Plan expenditures on an annual basis to ensure that they conform to the Ordinance.
- B. Review the annual audit and report prepared by an independent auditor, describing how funds were spent.
- C. Produce a publicly available Annual Report of Oversight Activities issued to the Regional Transportation Commission with findings regarding compliance with the requirements of Measure D and its Expenditure Plan.

Meetings: Maximum of four (4) per year      Term: Two (2) years with option for reappointment

Name: Michael W Machado CPA

Address: [REDACTED]

Email: [REDACTED] Cell phone: [REDACTED]

Other Phone: [REDACTED] Supervisorial District: 2

The voter approved Measure D ordinance states that the Oversight Committee will fairly represent the “social, cultural, and economic diversity of Santa Cruz County to ensure maximum benefit for transportation users.” Describe how you represent the above (attach additional pages if necessary).

I have been a CPA in the private sector for 46 years and have supervised the audits of numerous governmental entities at various times during my career including audits of the County of Santa Cruz, City of Santa Cruz, City of Scotts Valley, City of Capitola, Town of Los Gatos, City of Campbell, City of Livermore, Santa Cruz Port District and the Moss Landing Port District.

As a result of my professional experience I have a comprehensive understanding of government operations and finance that will enable me to contribute positively to the Measure D Taxpayer Oversight Committee. I have also been involved with the Santa Cruz County Business Council for many years and have served as the Council’s Co-Chairman and Treasurer in the past. I was an active member of the Council when it was an active supporter of the Measure D campaign.

Having lived in Santa Cruz County for most of my life I am very concerned about the serious transportation challenges facing our community and want to insure that the voter approved

funds are being utilized in accordance with the ordinance.

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Describe your accounting or fiscal management background, if any

See my related experience which is summarized above. I have been a CPA for 46 years. I was a partner with KPMG in San Jose and then joined the Watsonville Office of a regional firm, Hutchinson and Bloodgood LLP in 1988 where I was a partner for 20 years until retiring in 2008. Much of my client Responsibility was in the municipal accounting and auditing area as is summarized above. I Continue to work part time as a consultant with Hutchinson and Bloodgood LLP in Watsonville.

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Describe your previous experience, including if you are currently a member of a commission or committee.

I am not presently serving on any commissions or committees. In the past I have served as Co-Chair and Treasurer of the Santa Cruz County Business Council; Past President and Treasurer of the Cabrillo College Foundation, and Treasurer of the United Way of Santa Cruz County.

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Members of the Measure D Oversight Committee must be Santa Cruz County residents who are neither elected officials of any government, nor employees from any agency or organization that either oversees or implements projects funded from the proceeds of the Measure D sales tax.

I certify that the above information is true and complete to the best of my knowledge and that I am neither an elected official of any government nor an employee of any agency or organization that either oversees or implements projects funded from the proceeds of the Measure D sales tax:

Signature: Michael W. Mackert Date: 4/10/18

*Return completed application to:*  
**Santa Cruz County Regional Transportation Commission**  
1523 Pacific Avenue, Santa Cruz, CA 95062, [info@sccrtc.org](mailto:info@sccrtc.org)

*Measure D Information:*  
[www.sccrtc.org/move](http://www.sccrtc.org/move)



To: Santa Cruz County Regional Transportation Commission

From: Robert Singleton, Executive Director, Santa Cruz County Business Council

RE: Support for Michael Machado to Serve on Measure D Oversight Committee

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Dear Regional Transportation Commissioners,

The Santa Cruz County Business Council would like to offer our support in favor of Michael Machado being appointed to the Measure D Financial Oversight Committee. Michael has an extraordinary breadth of relevant financial oversight experience, having participated in the financial auditing of more than 10 municipalities, agencies, and special districts—including the County of Santa Cruz and the Cities of Capitola and Scotts Valley. Beyond that he has worked as a highly respected, local CPA for more than 44 years.

As many of you may recall, the Business Council and business community at large were instrumental in the passage of Measure D. Our members and staff contributed substantial amounts of financial support and aided in the campaign, helping to build the list of supporters and spread the core message. The inclusion of an Oversight Committee was a definitive reason why so many business leaders were willing to sign on and support the Measure.

Michael Machado's previous experience and participation throughout the Measure D endorsement process with the Business Council makes him an ideal appointment and representative of this core constituency. He has also been active in the community in many other roles, such as past President of the Watsonville Rotary Club, past President of the Cabrillo College Foundation, past Treasurer of the United Way of Santa Cruz, and past Treasurer of the Business Council.

We hope you will strongly consider him for this important and necessary role in service to our community.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Singleton". The signature is fluid and cursive, with the first name "Robert" being more prominent than the last name "Singleton".

Robert Singleton,  
Executive Director  
Santa Cruz County Business Council

## ATTACHMENT 4

### *Application for the* **Santa Cruz County Measure D Taxpayer Oversight Committee**

Per voter-approved Measure D, the Oversight Committee shall:

- A. Review Expenditure Plan expenditures on an annual basis to ensure that they conform to the Ordinance.
- B. Review the annual audit and report prepared by an independent auditor, describing how funds were spent.
- C. Produce a publicly available Annual Report of Oversight Activities issued to the Regional Transportation Commission with findings regarding compliance with the requirements of Measure D and its Expenditure Plan.

Meetings: Maximum of four (4) per year      Term: Two (2) years with option for reappointment

Name: Abel Rodriguez

Address: [REDACTED]

Email: [REDACTED]

Cell phone: [REDACTED]

Other Phone: [REDACTED]

Supervisory District: Third

The voter approved Measure D ordinance states that the Oversight Committee will fairly represent the "social, cultural, and economic diversity of Santa Cruz County to ensure maximum benefit for transportation users." Describe how you represent the above (attach additional pages if necessary).

I represent the diversity of the district in a number of ways:

- 1) Ethnically, I am a Latino and a first generation immigrant with deep roots in the local community. At the same time, I am part of a mixed-ethnicity family, which gives a particular vantage point from which to see transportation issues in our county and their impact on different community groups.
- 2) I am professor at UCSC. Given the diversity of opinions in our community about the role and optimal size of UCSC, having the perspective of someone who works in the institution should be a key consideration if the Committee is going to be really representative of the community.
- 3) I am an avid motorcyclist. In spite of the large numbers of motorcyclists in our area, the needs of this group are rarely considered when discussing transportation projects.

Describe your accounting or fiscal management background, if any

- 1) I hold an MA in Economics from Duke University, in which I focused in finance.
- 2) My undergraduate coursework included courses in accounting, financial management, and project evaluation (one of my majors was industrial engineering).
- 3) As mentioned below, I also have practical experience reviewing financial reports from my work at UCSC and my previous experience as CEO of my family's business.

Describe your previous experience, including if you are currently a member of a commission or committee.

- 1) I was the Chair of the Academic Senate Committee on Planning and Budget for UCSC for two years, and a regular member for another two years. This committee plays a similar role within UCSC to the one the Oversight Committee will play with respect to measure D. Since the annual budget of UCSC is in the order of \$700 M, the scale of the tasks is quite similar.
- 2) In part because of my role as Chair of Planning and Budget at UCSC, I have been part of a number of committees involved in the evaluation of capital projects and other investments. This included the Housing West project, and the renovation of Kresge College, among others.
- 3) Before becoming an academic, I ran my family's company for six years. This gave me practical experience in managing projects, but also on financial reporting and oversight.

Members of the Measure D Oversight Committee must be Santa Cruz County residents who are neither elected officials of any government, nor employees from any agency or organization that either oversees or implements projects funded from the proceeds of the Measure D sales tax.

I certify that the above information is true and complete to the best of my knowledge and that I am neither an elected official of any government nor an employee of any agency or organization that either oversees or implements projects funded from the proceeds of the Measure D sales tax:

Signature: 

Date: 05/28/2018

Return completed application to:  
Santa Cruz County Regional Transportation Commission  
1523 Pacific Avenue, Santa Cruz, CA 95062, [info@scrtc.org](mailto:info@scrtc.org)

Measure D Information:  
[www.scrtc.org/move](http://www.scrtc.org/move)

## ATTACHMENT 5

### *Application for the* **Santa Cruz County Measure D Taxpayer Oversight Committee**

Per voter-approved Measure D, the Oversight Committee shall:

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- B. Review the annual audit and report prepared by an independent auditor, describing how funds were spent.
- C. Produce a publicly available Annual Report of Oversight Activities issued to the Regional Transportation Commission with findings regarding compliance with the requirements of Measure D and its Expenditure Plan.

Meetings: Maximum of four (4) per year      Term: Two (2) years with option for reappointment

Name: Carmen Herrera Mansir Address: [REDACTED]

Email: [REDACTED]

Cell phone: [REDACTED] Other Phone:

Supervisory District: 4<sup>th</sup>.

The voter approved Measure D ordinance states that the Oversight Committee will fairly represent the "social, cultural, and economic diversity of Santa Cruz County to ensure maximum benefit for transportation users." Describe how you represent the above (attach additional pages if necessary)

I am an immigrant and a longtime resident of Watsonville, CA. I am also the Executive Director of El Pajaro Community Development Corporation, an organization with the mission of "promoting equal access to economic opportunity." Our vision is to transform people's lives through Entrepreneurship.

Myself, my family, my staff and the members of the community that I serve are users of Santa Cruz's transportation system. As such, they will benefit from improvements to the system. I welcome the opportunity to represent the voices of my community at this committee.

I work with a very diverse group of community members in different capacity. As a micro and small business development services provider, we support the entrepreneurial community of Pajaro Valley and other Santa Cruz residents. Our entrepreneurs include retailers, food producers, professional service providers and farmers.

At the personal level, I also am a constant user of the transportation system in Santa Cruz and part of my family depends on the use of the METRO system.

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Describe your accounting or fiscal management background, if any

I have been the Executive Director of El Pajaro CDC for over 12 years. I have ensured the financial

health and growth of the organization. A very important part of Job is to oversee and assure the sound financial management of the organization, this includes working closely with our CPA and auditors in preparing monthly and annual financial statements.

Part of my job also includes managing commercial real estate in downtown Watsonville (Plaza Vigil) and on Riverside Drive (Kitchen Incubator.) El Pajaro CDC also plays a role as a key stakeholder in community development.

During my tenure in the organization, I also work in managing constructions projects from bidding to project execution. I also secure and manage the funding for the projects.

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Describe your previous experience, including if you are currently a member of a commission or committee.

I have been part of the City of Watsonville's "blue ribbon" committee.

I am currently a board member of Santa Cruz Community Ventures and the California Association for Microenterprise Opportunity (past chair / rural committee and policy committee member.)

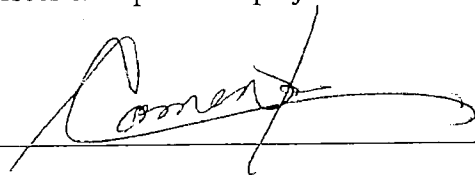
I have also served on the Watsonville Community Connections Committee have participated in diverse community and economic development advisory boards in the Monterey Bay region.

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Members of the Measure D Oversight Committee must be Santa Cruz County residents who are neither elected officials of any government, nor employees from any agency or organization that either oversees or implements projects funded from the proceeds of the Measure D sales tax.

I certify that the above information is true and complete to the best of my knowledge and that I am neither an elected official of any government nor an employee of any agency or organization that either oversees or implements projects funded from the proceeds of the Measure D sales tax:

Signature: \_\_\_\_\_



Date: \_\_\_\_\_

6/1/2018

*Return completed application to:*

**Santa Cruz County Regional Transportation Commission**  
1523 Pacific Avenue, Santa Cruz, CA 95062, [info@scrtc.org](mailto:info@scrtc.org)

*Measure D Information:*  
[www.scrtc.org/move](http://www.scrtc.org/move)



RECEIVED

MAY 31 2018

RTC

ATTACHMENT 6

*Application for the*  
**Santa Cruz County Measure D Taxpayer Oversight Committee**

Per voter-approved Measure D, the Oversight Committee shall:

- A. Review Expenditure Plan expenditures on an annual basis to ensure that they conform to the Ordinance.
- B. Review the annual audit and report prepared by an independent auditor, describing how funds were spent.
- C. Produce a publicly available Annual Report of Oversight Activities issued to the Regional Transportation Commission with findings regarding compliance with the requirements of Measure D and its Expenditure Plan.

Meetings: Maximum of four (4) per year      Term: Two (2) years with option for reappointment

Name: Todd Guin  
Address: [REDACTED]  
Email: [REDACTED] Cell phone: [REDACTED]  
Other Phone: [REDACTED] Supervisorial District: 5

The voter approved Measure D ordinance states that the Oversight Committee will fairly represent the "social, cultural, and economic diversity of Santa Cruz County to ensure maximum benefit for transportation users." Describe how you represent the above (attach additional pages if necessary).

Please see attached sheet

Describe your accounting or fiscal management background, if any

Please see attached sheet

Describe your previous experience, including if you are currently a member of a commission or committee.

Please see attached sheet

Members of the Measure D Oversight Committee must be Santa Cruz County residents who are neither elected officials of any government, nor employees from any agency or organization that either oversees or implements projects funded from the proceeds of the Measure D sales tax.

I certify that the above information is true and complete to the best of my knowledge and that I am neither an elected official of any government nor an employee of any agency or organization that either oversees or implements projects funded from the proceeds of the Measure D sales tax:

Signature:  Date: 5/31/18

Return completed application to:  
**Santa Cruz County Regional Transportation Commission**  
1523 Pacific Avenue, Santa Cruz, CA 95062, [info@scrtc.org](mailto:info@scrtc.org)

Measure D Information:  
[www.scrtc.org/move](http://www.scrtc.org/move)

## Attachment to the Application for Todd Guin

The voter approved Measure D ordinance states that the Oversight Committee will fairly represent the “social, cultural, and economic diversity of Santa Cruz County to ensure maximum benefit for transportation users.” Describe how you represent the above.

My family and I rent our home in Felton. I am married and have two sons; ages 7 and 15, who both attend public school in the County. I am only a couple of years older than the average SCC resident. During the Great Recession, I was one of the many students returning to school after the age of 30 at Cabrillo College. My wife is a stay at home mother retraining in a new field which will more work around our children’s schedules. Approximately one-and-a-half years ago I graduated with my four-year degree and re-entered the work force in my new field.

My family and I use various transportation solutions. We walk, hike, bike and drive on various transportation corridors throughout the County. My older son and I have used the Metro Bus System for regular transportation for work and school, sometimes for months at a time, over the last several years.

Describe your accounting or fiscal management background, if any

I attended Cabrillo College and graduated with honors when earning my Associates degrees in Economics, Business and Accounting. I continued my education at San Jose State University graduating Cum Laude with my Bachelor’s Degree in Business with a focus in Accounting. I am currently in the testing phase of becoming a Certified Public Accountant.

I worked as an Auditor in the County of Santa Cruz Office of the Auditor-Controller-Treasurer-Tax Collector’s office for several months. In my Auditor function, I conducted various research and analysis projects as well as conducting both financial and contract compliance audits. I now work as an Accountant in the Behavioral Health Department of the County of Santa Cruz Health Services Administration working with revenues and expenditures included in MHSA funding and State reporting.

Prior to my work with the County of Santa Cruz, I worked as a Contract Compliance Auditor for five years with National Compliance Services in Boulder Creek.

Describe your previous experience, including if you are currently a member of a commission or committee.

Prior to returning to school and joining the accounting field, I was a retail Store Manager for several different companies operating throughout the Bay Area.

In addition to my knowledge gained in school and throughout my employment history, I currently sit on the Governing Board as well as the Committee on Political Education for SEIU Local 521. I am the Treasurer for the Felton Cub Scout Pack Number 654. I have also held the Registrar position and other various “fill in leadership duties” with the Boulder Creek Cub Scout Pack Number 623. I also held the Equipment Manager position with Scotts Valley Little League, which included not only issuing league equipment, but budgeting and expenditures management.

My employment and volunteer duties have placed me in contact with Payroll Clerks to CFOs, Paralegals to Trial Lawyers, Trust Fund Administrators to Trustees, Union Organizers to Union Leadership, and Citizens to Elected Officials.

## Measure D RTC Staff Contacts

### **SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION**

1523 Pacific Avenue, Santa Cruz, CA 95060 | Phone: 831.460.3200 | Fax: 831.460.3215 | Email: [info@sccrtc.org](mailto:info@sccrtc.org)

[www.sccrtc.org](http://www.sccrtc.org)   [www.cruz511.org](http://www.cruz511.org)

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**TO:** Measure D Taxpayer Oversight Committee

**FROM:** RTC Staff

**RE:** Oversight Committee Purpose, Scope of Responsibilities, Membership and Composition, and Bylaws

---

## **RECOMMENDATIONS**

Staff recommends that the Measure D Taxpayer Oversight Committee:

1. Review Section 32 of the voter-approved Measure D Ordinance related to the Independent Oversight Committee ([Attachment 1](#));
  2. Review the Bylaws for Commission Committees and the Measure D Taxpayer Oversight Committee description ([Attachment 2](#)).
- 

## **BACKGROUND**

Measure D includes a number of safeguards, audits and accountability provisions to protect Santa Cruz County taxpayers' investment. The Regional Transportation Commission (RTC), as the Measure D Authority, is responsible for forming the oversight committee.

## **DISCUSSION**

### **Committee Purpose**

Per Section 32C ([Attachment 1](#)) of the voter approved ballot measure, the oversight committee is tasked with the following responsibilities:

- Reviewing Expenditure Plan expenditures on an annual basis to ensure they conform to the Ordinance.
- Reviewing the annual audit and report prepared by an independent auditor, describing how funds were spent.
- Producing a publicly available Annual Report of oversight activities.

### **Committee Bylaws**

The Measure D Oversight Committee is subject to the committee bylaws and description included in the RTC's Rules and Regulations. The Rules and Regulations cover the purpose, responsibilities and membership of the committee as established by voter approved Measure D. State requirements to satisfy the Brown Act are also addressed along with terms of service and quorum.

**Committee Composition**

Measure D limits the oversight committee membership to five (5) members who must reside in Santa Cruz County. In order to ensure representation of residents throughout the county, the bylaws establish that one resident from each of the five county supervisorial districts will compose the committee. Measure D also states that committee members:

- Cannot be elected officials of any government;
- Cannot be employees of any agency or organization that either oversees or implements projects funded from the proceeds of Measure D;
- Will fairly represent the geographical, social, cultural, and economic diversity of Santa Cruz County; and
- Include at least one person with an accounting or fiscal management background.

The applications for committee membership asked applicants to provide information on how they may represent the social, cultural and economic diversity of the county. The application also asked applicants to provide information regarding their accounting and fiscal management background. This information was used by the RTC when it chose five committee members at its September 6, 2018 meeting.

**Conduct of Meetings**

Consistent with RTC Rules and Regulations, the Oversight Committee meetings are subject to the California Brown Act and shall be conducted in accordance with the principles of "Rosenberg's Rules of Order" ([Attachment 3](#)). A summary of Brown Act is included as [Attachment 4](#). The Brown Act or "Open Meeting Law" was enacted to guarantee the public's right to attend and participate in meetings of local agencies.

**Meeting Schedule**

The ordinance limits the total number of oversight committee meetings to no more than four per year. Oversight committees for many other ballot measures meet one or two times per year. Committee activities are expected to focus on review of audits and prior year expenditures. It is expected that audited expenditure information will be available for committee review in the February-April timeframe each year. Reports of prior year expenditures are due from recipient agencies by December 31, after which they will be under audit.

**SUMMARY**

Measure D requires the formation of an oversight committee and addresses duties, membership, and number of meetings per year for the committee. Staff recommends the Measure D Oversight Committee review bylaws and other materials related to the committee.

**Attachments:**

1. Section 32 of the Measure D Ordinance
2. Excerpts of the RTC Rules and Regulations related to Committee Bylaws and the Measure D Taxpayer Oversight Committee

3. Rosenberg's Rules of Order
4. Brown Act at a Glance

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**Measure D Ordinance:**

**Section 32. TAXPAYER SAFEGUARDS, AUDITS, AND ACCOUNTABILITY.**

Accountability is of utmost importance in delivering public investments with public dollars. In order to ensure accountability, transparency and public oversight of all funds collected and allocated under this Measure and to comply with state law, all of the following shall apply:

- A. Annual Report.** Each agency receiving Measure Revenue shall annually adopt, after holding a public hearing, an annual report which includes 1) a five-year program of projects including information about each of the projects to be funded with Measure Revenues allocated according to the Expenditure Plan. Local and regional agencies shall submit their program of projects to the Authority in a format that can be easily understood by members of the public. 2) Description of expenditures of Measure Revenues from the most recently completed fiscal year. The purpose of requiring the most recently completed fiscal year expenditures is to allow the Authority to prepare a comprehensive report to the public on the expenditure of funds generated by this Ordinance.
- B. Annual Audit.** No less than annually, an independent annual audit shall be conducted of the expenditure of all funds generated by the transportation tax. The audit, which shall be made available to the public, shall report on evidence that the expenditure of funds is in accordance with this Plan as adopted by the voters in approving the Ordinance on November 8, 2016. The Authority will also prepare a publicly available annual report on past and upcoming activities and publish an annual financial statement.
- C. Independent Oversight Committee.** An Independent Oversight Committee shall be formed by the Board of Directors of the Authority to review the annual independent fiscal audit of the expenditure of the Transportation Tax funds and issue an annual report on its findings regarding compliance with the requirements of the Expenditure Plan and the Ordinance to the Authority Board of Directors. The total membership of the Independent Oversight Committee shall not exceed five (5) members and any vacancy which may occur from time to time shall be filled by the Board of Directors of the Authority as soon as reasonably possible.

Members of the Independent Oversight Committee shall be residents of Santa Cruz County who are neither elected officials of any government, nor employees from any agency or organization that either oversees or implements projects funded from the proceeds of the sales tax. Members will fairly represent the geographical, social, cultural, and economic diversity of Santa Cruz County to ensure maximum benefit for transportation users. The Committee shall include at least one person with an accounting or fiscal management background.

Independent Oversight Committee meetings will be announced in advance and will be open to the general public. The Independent Oversight Committee shall meet at least once but no more than four times per year.



The responsibilities of this Committee include:

- Reviewing Expenditure Plan expenditures on an annual basis to ensure they conform to the Ordinance.
- Reviewing the annual audit and report prepared by an independent auditor, describing how funds were spent.
- Produce a publicly available Annual Report of Oversight Activities.

D. Decisions regarding implementation of this Ordinance will be made by the Authority in public meetings, subject to the Brown Act.

**Excerpts from RTC Rules & Regulations:**  
**Committee Bylaws and Measure D Oversight Committee**

Exhibit 2

**SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION**  
**Bylaws for Commission Committees**  
*August 17, 2017*

**CREATION OF COMMITTEES**

As needs arise, the Santa Cruz County Regional Transportation Commission (Commission) can establish working Committees to serve as advisory or oversight bodies to the Commission for any designated length of time. Such Committees will adopt the bylaws below, as approved by the Commission, for rules and procedures.

**PURPOSES, POWERS AND DUTIES**

A separate attachment describing the purpose, membership, quorum and meeting frequency and location of each authorized Committee is included with these bylaws.

**MEMBERSHIP**

Consistent with state law and local ordinance, the Commission shall designate the number of members and affiliations to serve on each Committee at the Commission's pleasure. Committees may include Commissioners and non-Commission members, representatives from other agencies and jurisdictions, and members of the general public as deemed appropriate by the Commission, state statute, or local ordinance. For each committee, an individual may be appointed to one membership seat only, as either member or alternate.

**APPOINTMENTS**

Commissioner appointments to Committees with RTC board member membership are made by the Commission Chair with the concurrence of the Commission. The Chair shall ensure fair Committee representation by the entities represented on the Commission itself. Non-Commissioner appointments to agency membership slots for Committees are made by the represented agency. Each represented agency shall inform the Commission in writing of its appointment. Appointments of members of the general public to Committees are made by the Commission based on an open application process and consistent with state law and local ordinance. Each of the cities and each member of the Board of Supervisors are encouraged to nominate members to the Bicycle Advisory Committee and the Elderly and Disabled Transportation Advisory Committee. The nominations are limited to representation for the appointing entity's jurisdiction. The nominations will be considered along with any other applications for the seats to be filled. Current membership lists shall be maintained by the Commission's Executive Director.

Commissioner appointments to committees shall be made annually at the March Commission meeting by the Chair with concurrence of the Commission. When a Commissioner vacancy on a

Committee is created, the Commission Chair shall make an interim appointment with concurrence of the Commission at the next meeting.

### ALTERNATES

Commissioners' designated alternates shall serve as their alternates on Committees. Alternates for non-Commissioner committee member seats shall be appointed in the same manner as appointments to the corresponding regular membership slot.

### VACANCIES

A vacancy may be created when an appointed member of the Committee misses three consecutive regular meetings without good cause so entered in the minutes. A vacancy shall be created when due to death, disability, or extenuating circumstances, an appointed member can no longer carry out responsibilities; when an appointed member resigns as a Committee member; or when a Commissioner appointed to a Committee resigns from the Commission. Vacancies are to be filled in the same manner as the original appointments were made.

Commission staff shall notify Committee members when they have missed two consecutive meetings without good cause so entered in the minutes, in order to inform them of the potential creation of a vacancy.

For membership slots filled by members of the public, Commission staff shall advertise the opening on the Commission website and in other manners as to notify the public of the membership opportunity.

The membership structure, including alternates and ex-officio members, of each Committee is included as separate attachments to these bylaws.

### COMMITTEE MEMBERS ATTENDANCE RESPONSIBILITIES

A Committee Member on a given Committee shall be responsible for contacting his or her Alternate in the event the Committee Member cannot attend a scheduled meeting.

A Committee Member or Alternate on a given Committee shall be responsible for notifying staff 24 hours prior to the meeting that the Alternate will be serving as the representative to that Committee on behalf of the Committee Member or that neither the member nor alternate will be in attendance.

Should a Committee Member comply with the above (contacting the Alternate and notifying staff), in the event the Alternate does not attend the meeting, it will be noted in the minutes that the Committee Member is excused.

Should a Committee Member fail to notify staff that his or her Alternate will be serving as the representative to the Committee, and should the Alternate not be in attendance at the meeting, the Committee Member shall be entered in the minutes as absent without cause and subject to the Vacancies requirement.

## ALTERNATES ATTENDANCE RESPONSIBILITIES

An Alternate shall be required to attend Committee meetings only in the event that his or her Committee Member is unable to attend; however, the Alternate may attend and may participate as a member of the public (but may not vote) at Committee meetings even if the Committee Member is present.

## TERMS OF OFFICE

Commissioners appointed to Committees shall serve a term of one year, and continue to serve until a new appointment is made. Non-Commissioner members of Committees shall serve three year terms. Alternates shall serve a term that coincides with the term of the committee member for whom they are an alternate. Terms of office for all Committee members are renewable by the Commission. At its discretion the Commission may review and change Committee appointments at any time.

## OFFICERS

A Chairperson and Vice Chairperson for each Committee shall be elected to serve for a term of one or two years. The Chairperson shall preside at all meetings of the Committee. The Chairperson shall maintain order and decorum at the meetings, decide all questions of order, and announce the Committee's decisions. The Vice Chairperson shall perform the duties of the Chairperson in his or her absence. In the event both officers are absent from the Committee, the majority of quorum may appoint a presiding officer for that meeting. All officers shall continue in their respective offices until their successors have been elected and have assumed office.

## COMMITTEE STAFF

The Executive Director of the Commission shall appoint a staff member to serve as the primary staff to each Committee.

## ORGANIZATION AND PROCEDURES

- a) Meetings. Committee meetings are to be open and public in compliance with the Ralph M. Brown Act (Government Code Section 54950 et seq.). The meetings are to be held in a freely accessible location in order to facilitate the attendance of disabled members of the Committee and community in general. The scheduled meeting time for each committee is listed on the separate attachments but may be changed at the decision of a quorum of the Committee. The date, time and place of the meeting may also occasionally be changed due to availability of members or timeliness of agenda items.
- b) Quorum. A majority of the voting members shall constitute a quorum for the transaction of business. No official action shall be taken during any Committee meeting at which a quorum is not present. No act of a Committee shall be valid unless a majority of the members present concur therein.
- c) Voting. Voting on all matters shall be on a voice vote unless a roll call vote is requested by any member in attendance. Ex officio members of the Committee shall not be eligible to vote although they may participate freely in any and all discussions of the Committee.

- d) Agenda. Except as otherwise specified, all Committees shall comply with the notice and agenda requirements applicable to the Commission. All issues requiring a vote or Committee discussion must be included on the meeting's agenda. Written materials concerning these items must be included in the agenda packet of the meeting for which that item is scheduled for discussion. A Committee member may request that an issue not on the agenda be put on the next meeting's agenda for discussion and/or vote. By majority vote, the Committee may approve continuation of an agenda item to the next meeting.

Members who wish to place items on the agenda shall notify commission staff and provide appropriate documentation to staff at least two weeks prior to the meeting except for emergency items considered pursuant to requirements of the Brown Act.

- e) Limitation of Discussion. Discussion on any particular matter by either Committee members or by any member of the general public may be limited, at the discretion of the Chairperson, to such length of time as the Chairperson may deem reasonable under the circumstances.
- f) Conduct of Meetings. The meetings are to be conducted in accordance with the principles of Rosenberg's Rules of Order (see Exhibit 11).
- g) Minutes. Official minutes recording the members and visitors present, motions entertained, actions taken, and the votes cast at each Committee meeting, shall be prepared by staff and submitted to the Committee for approval and to the Commission for its acceptance.
- h) Oral Communications. A time for Oral Communications will be included on all agendas to hear comments from non-committee members on items not on the Committee agenda but within the jurisdiction of the Committee's business. Permission to address the Committee must first be secured from the Presiding Officer. The general time limit is three minutes, unless more time is granted by the presiding officer. Matters raised during oral communications, or at other times, which require further information or investigation can be referred by the Committee to staff, and if action is required, placed on a future agenda.
- i) Bylaws. The information set forth herein shall be deemed sufficient to serve as the bylaws for the Commission's Committees subject to approval by the Commission. The committee descriptions included in the Commission's Rules and Regulations can be amended by a majority vote of the subject committee's members with approval by the Commission.

### CONFLICTS OF INTEREST

A member of the Commission or its committees is prohibited from participating in a governmental decision, including, but not limited to the making of a contract, in which he or she has a financial interest.

## Exhibit 2A

### Committee: **MEASURE D TAXPAYER OVERSIGHT COMMITTEE**

Committee Objectives: Review the annual independent fiscal audit of the expenditure of the Measure D Transportation Tax funds and issue an annual report on its findings regarding compliance with the requirements of the Expenditure Plan and the Ordinance.

1. Review Measure D Expenditure Plan expenditures on an annual basis to ensure that they conform to the Measure D Ordinance;
2. Review the annual audit and report prepared by an independent auditor, describing how funds were spent; and
3. Produce a publicly available Annual Report of Oversight Activities issued to the Regional Transportation Commission with findings regarding compliance with the requirements of Measure D and its Expenditure Plan.

Committee Membership: The total membership shall not exceed five (5) members. Members shall be residents of Santa Cruz County who are neither elected officials of any government, nor employees from any agency or organization that either oversees or implements projects funded from the proceeds of the sales tax. Members will fairly represent the geographical, social, cultural, and economic diversity of Santa Cruz County to ensure maximum benefit for transportation users. The Committee shall include at least one person with an accounting or fiscal management background.

One resident from each of the five county supervisorial districts = 5

Appointments: Appointments shall be made by the Regional Transportation Commission. Any vacancy which may occur from time to time shall be filled by the Board of Directors of the Authority as soon as reasonably possible.

Term: Members will serve without compensation for a term of two (2) years and may be reappointed up to three (3) times. Members will not serve more than two (2) consecutive terms, if there are other eligible applicants for the position.

Quorum: A quorum is three members, assuming that there are no vacant positions. If there are vacant positions, a quorum will be the lowest whole number representing more than fifty percent (50%) of filled positions.

Meeting Frequency and Time: The Measure D Oversight Committee shall meet at least once but no more than four times per year. Meetings will be announced at least 72 hours in advance and will be open to the general public.

Meeting Location: The Regional Transportation Commission conference room at 1523 Pacific Avenue in Santa Cruz unless otherwise announced at least 72 hours in advance.

*Excerpts from: [S:\RULESREG\2017 Rules&Regs\Aug. 2017\08.2017 RulesandReg-APPROVED FINAL.docx](#)*



# Rosenberg's Rules of Order

REVISED 2011

*Simple Rules of Parliamentary Procedure for the 21st Century*

*By Judge Dave Rosenberg*



## MISSION AND CORE BELIEFS

To expand and protect local control for cities through education and advocacy to enhance the quality of life for all Californians.

## VISION

To be recognized and respected as the leading advocate for the common interests of California's cities.

### About the League of California Cities

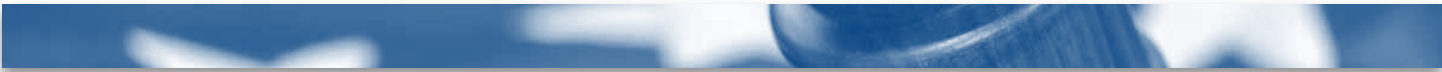
Established in 1898, the League of California Cities is a member organization that represents California's incorporated cities. The League strives to protect the local authority and autonomy of city government and help California's cities effectively serve their residents. In addition to advocating on cities' behalf at the state capitol, the League provides its members with professional development programs and information resources, conducts education conferences and research, and publishes Western City magazine.

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### ABOUT THE AUTHOR

Dave Rosenberg is a Superior Court Judge in Yolo County. He has served as presiding judge of his court, and as presiding judge of the Superior Court Appellate Division. He also has served as chair of the Trial Court Presiding Judges Advisory Committee (the committee composed of all 58 California presiding judges) and as an advisory member of the California Judicial Council. Prior to his appointment to the bench, Rosenberg was member of the Yolo County Board of Supervisors, where he served two terms as chair. Rosenberg also served on the Davis City Council, including two terms as mayor. He has served on the senior staff of two governors, and worked for 19 years in private law practice. Rosenberg has served as a member and chair of numerous state, regional and local boards. Rosenberg chaired the California State Lottery Commission, the California Victim Compensation and Government Claims Board, the Yolo-Solano Air Quality Management District, the Yolo County Economic Development Commission, and the Yolo County Criminal Justice Cabinet. For many years, he has taught classes on parliamentary procedure and has served as parliamentarian for large and small bodies.





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## INTRODUCTION

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The rules of procedure at meetings should be simple enough for most people to understand. Unfortunately, that has not always been the case. Virtually all clubs, associations, boards, councils and bodies follow a set of rules — *Robert's Rules of Order* — which are embodied in a small, but complex, book. Virtually no one I know has actually read this book cover to cover. Worse yet, the book was written for another time and for another purpose. If one is chairing or running a parliament, then *Robert's Rules of Order* is a dandy and quite useful handbook for procedure in that complex setting. On the other hand, if one is running a meeting of say, a five-member body with a few members of the public in attendance, a simplified version of the rules of parliamentary procedure is in order.

Hence, the birth of *Rosenberg's Rules of Order*.

What follows is my version of the rules of parliamentary procedure, based on my decades of experience chairing meetings in state and local government. These rules have been simplified for the smaller bodies we chair or in which we participate, slimmed down for the 21st Century, yet retaining the basic tenets of order to which we have grown accustomed. Interestingly enough, *Rosenberg's Rules* has found a welcoming audience. Hundreds of cities, counties, special districts, committees, boards, commissions, neighborhood associations and private corporations and companies have adopted *Rosenberg's Rules* in lieu of *Robert's Rules* because they have found them practical, logical, simple, easy to learn and user friendly.

This treatise on modern parliamentary procedure is built on a foundation supported by the following four pillars:

1. **Rules should establish order.** The first purpose of rules of parliamentary procedure is to establish a framework for the orderly conduct of meetings.
2. **Rules should be clear.** Simple rules lead to wider understanding and participation. Complex rules create two classes: those who understand and participate; and those who do not fully understand and do not fully participate.
3. **Rules should be user friendly.** That is, the rules must be simple enough that the public is invited into the body and feels that it has participated in the process.
4. **Rules should enforce the will of the majority while protecting the rights of the minority.** The ultimate purpose of rules of procedure is to encourage discussion and to facilitate decision making by the body. In a democracy, majority rules. The rules must enable the majority to express itself and fashion a result, while permitting the minority to also express itself, but not dominate, while fully participating in the process.

### Establishing a Quorum

The starting point for a meeting is the establishment of a quorum. A quorum is defined as the minimum number of members of the body who must be present at a meeting for business to be legally transacted. The default rule is that a quorum is one more than half the body. For example, in a five-member body a quorum is three. When the body has three members present, it can legally transact business. If the body has less than a quorum of members present, it cannot legally transact business. And even if the body has a quorum to begin the meeting, the body can lose the quorum during the meeting when a member departs (or even when a member leaves the dais). When that occurs the body loses its ability to transact business until and unless a quorum is reestablished.

The default rule, identified above, however, gives way to a specific rule of the body that establishes a quorum. For example, the rules of a particular five-member body may indicate that a quorum is four members for that particular body. The body must follow the rules it has established for its quorum. In the absence of such a specific rule, the quorum is one more than half the members of the body.

### The Role of the Chair

While all members of the body should know and understand the rules of parliamentary procedure, it is the chair of the body who is charged with applying the rules of conduct of the meeting. The chair should be well versed in those rules. For all intents and purposes, the chair makes the final ruling on the rules every time the chair states an action. In fact, all decisions by the chair are final unless overruled by the body itself.

Since the chair runs the conduct of the meeting, it is usual courtesy for the chair to play a less active role in the debate and discussion than other members of the body. This does not mean that the chair should not participate in the debate or discussion. To the contrary, as a member of the body, the chair has the full right to participate in the debate, discussion and decision-making of the body. What the chair should do, however, is strive to be the last to speak at the discussion and debate stage. The chair should not make or second a motion unless the chair is convinced that no other member of the body will do so at that point in time.

### The Basic Format for an Agenda Item Discussion

Formal meetings normally have a written, often published agenda. Informal meetings may have only an oral or understood agenda. In either case, the meeting is governed by the agenda and the agenda constitutes the body's agreed-upon roadmap for the meeting. Each agenda item can be handled by the chair in the following basic format:

**First**, the chair should clearly announce the agenda item number and should clearly state what the agenda item subject is. The chair should then announce the format (which follows) that will be followed in considering the agenda item.

**Second**, following that agenda format, the chair should invite the appropriate person or persons to report on the item, including any recommendation that they might have. The appropriate person or persons may be the chair, a member of the body, a staff person, or a committee chair charged with providing input on the agenda item.

**Third**, the chair should ask members of the body if they have any technical questions of clarification. At this point, members of the body may ask clarifying questions to the person or persons who reported on the item, and that person or persons should be given time to respond.

**Fourth**, the chair should invite public comments, or if appropriate at a formal meeting, should open the public meeting for public input. If numerous members of the public indicate a desire to speak to the subject, the chair may limit the time of public speakers. At the conclusion of the public comments, the chair should announce that public input has concluded (or the public hearing, as the case may be, is closed).

**Fifth**, the chair should invite a motion. The chair should announce the name of the member of the body who makes the motion.

**Sixth**, the chair should determine if any member of the body wishes to second the motion. The chair should announce the name of the member of the body who seconds the motion. It is normally good practice for a motion to require a second before proceeding to ensure that it is not just one member of the body who is interested in a particular approach. However, a second is not an absolute requirement, and the chair can proceed with consideration and vote on a motion even when there is no second. This is a matter left to the discretion of the chair.

**Seventh**, if the motion is made and seconded, the chair should make sure everyone understands the motion.

This is done in one of three ways:

1. The chair can ask the maker of the motion to repeat it;
2. The chair can repeat the motion; or
3. The chair can ask the secretary or the clerk of the body to repeat the motion.

**Eighth**, the chair should now invite discussion of the motion by the body. If there is no desired discussion, or after the discussion has ended, the chair should announce that the body will vote on the motion. If there has been no discussion or very brief discussion, then the vote on the motion should proceed immediately and there is no need to repeat the motion. If there has been substantial discussion, then it is normally best to make sure everyone understands the motion by repeating it.

**Ninth**, the chair takes a vote. Simply asking for the “ayes” and then asking for the “nays” normally does this. If members of the body do not vote, then they “abstain.” Unless the rules of the body provide otherwise (or unless a super majority is required as delineated later in these rules), then a simple majority (as defined in law or the rules of the body as delineated later in these rules) determines whether the motion passes or is defeated.

**Tenth**, the chair should announce the result of the vote and what action (if any) the body has taken. In announcing the result, the chair should indicate the names of the members of the body, if any, who voted in the minority on the motion. This announcement might take the following form: “The motion passes by a vote of 3-2, with Smith and Jones dissenting. We have passed the motion requiring a 10-day notice for all future meetings of this body.”

## Motions in General

Motions are the vehicles for decision making by a body. It is usually best to have a motion before the body prior to commencing discussion of an agenda item. This helps the body focus.

Motions are made in a simple two-step process. First, the chair should recognize the member of the body. Second, the member of the body makes a motion by preceding the member’s desired approach with the words “I move ...”

A typical motion might be: “I move that we give a 10-day notice in the future for all our meetings.”

The chair usually initiates the motion in one of three ways:

1. **Inviting the members of the body to make a motion**, for example, “A motion at this time would be in order.”
2. **Suggesting a motion to the members of the body**, “A motion would be in order that we give a 10-day notice in the future for all our meetings.”
3. **Making the motion**. As noted, the chair has every right as a member of the body to make a motion, but should normally do so only if the chair wishes to make a motion on an item but is convinced that no other member of the body is willing to step forward to do so at a particular time.

## The Three Basic Motions

There are three motions that are the most common and recur often at meetings:

**The basic motion.** The basic motion is the one that puts forward a decision for the body’s consideration. A basic motion might be: “I move that we create a five-member committee to plan and put on our annual fundraiser.”

**The motion to amend.** If a member wants to change a basic motion that is before the body, they would move to amend it. A motion to amend might be: “I move that we amend the motion to have a 10-member committee.” A motion to amend takes the basic motion that is before the body and seeks to change it in some way.

**The substitute motion.** If a member wants to completely do away with the basic motion that is before the body, and put a new motion before the body, they would move a substitute motion. A substitute motion might be: “I move a substitute motion that we cancel the annual fundraiser this year.”

“Motions to amend” and “substitute motions” are often confused, but they are quite different, and their effect (if passed) is quite different. A motion to amend seeks to retain the basic motion on the floor, but modify it in some way. A substitute motion seeks to throw out the basic motion on the floor, and substitute a new and different motion for it. The decision as to whether a motion is really a “motion to amend” or a “substitute motion” is left to the chair. So if a member makes what that member calls a “motion to amend,” but the chair determines that it is really a “substitute motion,” then the chair’s designation governs.

A “friendly amendment” is a practical parliamentary tool that is simple, informal, saves time and avoids bogging a meeting down with numerous formal motions. It works in the following way: In the discussion on a pending motion, it may appear that a change to the motion is desirable or may win support for the motion from some members. When that happens, a member who has the floor may simply say, “I want to suggest a friendly amendment to the motion.” The member suggests the friendly amendment, and if the maker and the person who seconded the motion pending on the floor accepts the friendly amendment, that now becomes the pending motion on the floor. If either the maker or the person who seconded rejects the proposed friendly amendment, then the proposer can formally move to amend.

### Multiple Motions Before the Body

There can be up to three motions on the floor at the same time. The chair can reject a fourth motion until the chair has dealt with the three that are on the floor and has resolved them. This rule has practical value. More than three motions on the floor at any given time is confusing and unwieldy for almost everyone, including the chair.

When there are two or three motions on the floor (after motions and seconds) at the same time, the vote should proceed *first* on the *last* motion that is made. For example, assume the first motion is a basic “motion to have a five-member committee to plan and put on our annual fundraiser.” During the discussion of this motion, a member might make a second motion to “amend the main motion to have a 10-member committee, not a five-member committee to plan and put on our annual fundraiser.” And perhaps, during that discussion, a member makes yet a third motion as a “substitute motion that we not have an annual fundraiser this year.” The proper procedure would be as follows:

**First**, the chair would deal with the *third* (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken first on the third motion. If the substitute motion *passed*, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be completed on the passage by the body of the third motion (the substitute motion). No vote would be taken on the first or second motions.

**Second**, if the substitute motion *failed*, the chair would then deal with the second (now the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment (should the committee be five or 10 members). If the motion to amend *passed*, the chair would then move to consider the main motion (the first motion) as *amended*. If the motion to amend *failed*, the chair would then move to consider the main motion (the first motion) in its original format, not amended.

**Third**, the chair would now deal with the first motion that was placed on the floor. The original motion would either be in its original format (five-member committee), or if *amended*, would be in its amended format (10-member committee). The question on the floor for discussion and decision would be whether a committee should plan and put on the annual fundraiser.

### To Debate or Not to Debate

The basic rule of motions is that they are subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are all eligible, each in their turn, for full discussion before and by the body. The debate can continue as long as members of the body wish to discuss an item, subject to the decision of the chair that it is time to move on and take action.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the body to move on. The following motions are not debatable (that is, when the following motions are made and seconded, the chair must immediately call for a vote of the body without debate on the motion):

**Motion to adjourn.** This motion, if passed, requires the body to immediately adjourn to its next regularly scheduled meeting. It requires a simple majority vote.

**Motion to recess.** This motion, if passed, requires the body to immediately take a recess. Normally, the chair determines the length of the recess which may be a few minutes or an hour. It requires a simple majority vote.

**Motion to fix the time to adjourn.** This motion, if passed, requires the body to adjourn the meeting at the specific time set in the motion. For example, the motion might be: “I move we adjourn this meeting at midnight.” It requires a simple majority vote.

**Motion to table.** This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on “hold.” The motion can contain a specific time in which the item can come back to the body. “I move we table this item until our regular meeting in October.” Or the motion can contain no specific time for the return of the item, in which case a motion to take the item off the table and bring it back to the body will have to be taken at a future meeting. A motion to table an item (or to bring it back to the body) requires a simple majority vote.

**Motion to limit debate.** The most common form of this motion is to say, “I move the previous question” or “I move the question” or “I call the question” or sometimes someone simply shouts out “question.” As a practical matter, when a member calls out one of these phrases, the chair can expedite matters by treating it as a “request” rather than as a formal motion. The chair can simply inquire of the body, “any further discussion?” If no one wishes to have further discussion, then the chair can go right to the pending motion that is on the floor. However, if even one person wishes to discuss the pending motion further, then at that point, the chair should treat the call for the “question” as a formal motion, and proceed to it.

When a member of the body makes such a motion (“I move the previous question”), the member is really saying: “I’ve had enough debate. Let’s get on with the vote.” When such a motion is made, the chair should ask for a second, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a two-thirds vote of the body.

**NOTE:** A motion to limit debate could include a time limit. For example: “I move we limit debate on this agenda item to 15 minutes.” Even in this format, the motion to limit debate requires a two-thirds vote of the body. A similar motion is a *motion to object to consideration of an item*. This motion is not debatable, and if passed, precludes the body from even considering an item on the agenda. It also requires a two-thirds vote.

## Majority and Super Majority Votes

In a democracy, a simple majority vote determines a question. A tie vote means the motion fails. So in a seven-member body, a vote of 4-3 passes the motion. A vote of 3-3 with one abstention means the motion fails. If one member is absent and the vote is 3-3, the motion still fails.

All motions require a simple majority, but there are a few exceptions. The exceptions come up when the body is taking an action which effectively cuts off the ability of a minority of the body to take an action or discuss an item. These extraordinary motions require a two-thirds majority (a super majority) to pass:

**Motion to limit debate.** Whether a member says, “I move the previous question,” or “I move the question,” or “I call the question,” or “I move to limit debate,” it all amounts to an attempt to cut off the ability of the minority to discuss an item, and it requires a two-thirds vote to pass.

**Motion to close nominations.** When choosing officers of the body (such as the chair), nominations are in order either from a nominating committee or from the floor of the body. A motion to close nominations effectively cuts off the right of the minority to nominate officers and it requires a two-thirds vote to pass.

**Motion to object to the consideration of a question.** Normally, such a motion is unnecessary since the objectionable item can be tabled or defeated straight up. However, when members of a body do not even want an item on the agenda to be considered, then such a motion is in order. It is not debatable, and it requires a two-thirds vote to pass.

**Motion to suspend the rules.** This motion is debatable, but requires a two-thirds vote to pass. If the body has its own rules of order, conduct or procedure, this motion allows the body to suspend the rules for a particular purpose. For example, the body (a private club) might have a rule prohibiting the attendance at meetings by non-club members. A motion to suspend the rules would be in order to allow a non-club member to attend a meeting of the club on a particular date or on a particular agenda item.

## Counting Votes

The matter of counting votes starts simple, but can become complicated.

Usually, it’s pretty easy to determine whether a particular motion passed or whether it was defeated. If a simple majority vote is needed to pass a motion, then one vote more than 50 percent of the body is required. For example, in a five-member body, if the vote is three in favor and two opposed, the motion passes. If it is two in favor and three opposed, the motion is defeated.

If a two-thirds majority vote is needed to pass a motion, then how many affirmative votes are required? The simple rule of thumb is to count the “no” votes and double that count to determine how many “yes” votes are needed to pass a particular motion. For example, in a seven-member body, if two members vote “no” then the “yes” vote of at least four members is required to achieve a two-thirds majority vote to pass the motion.

What about tie votes? In the event of a tie, the motion always fails since an affirmative vote is required to pass any motion. For example, in a five-member body, if the vote is two in favor and two opposed, with one member absent, the motion is defeated.

Vote counting starts to become complicated when members vote “abstain” or in the case of a written ballot, cast a blank (or unreadable) ballot. Do these votes count, and if so, how does one count them? The starting point is always to check the statutes.

In California, for example, for an action of a board of supervisors to be valid and binding, the action must be approved by a majority of the board. (California Government Code Section 25005.) Typically, this means three of the five members of the board must vote affirmatively in favor of the action. A vote of 2-1 would not be sufficient. A vote of 3-0 with two abstentions would be sufficient. In general law cities in



California, as another example, resolutions or orders for the payment of money and all ordinances require a recorded vote of the total members of the city council. (California Government Code Section 36936.) Cities with charters may prescribe their own vote requirements. Local elected officials are always well-advised to consult with their local agency counsel on how state law may affect the vote count.

After consulting state statutes, step number two is to check the rules of the body. If the rules of the body say that you count votes of “those present” then you treat abstentions one way. However, if the rules of the body say that you count the votes of those “present and voting,” then you treat abstentions a different way. And if the rules of the body are silent on the subject, then the general rule of thumb (and default rule) is that you count all votes that are “present and voting.”

Accordingly, under the “present and voting” system, you would **NOT** count abstention votes on the motion. Members who abstain are counted for purposes of determining quorum (they are “present”), but you treat the abstention votes on the motion as if they did not exist (they are not “voting”). On the other hand, if the rules of the body specifically say that you count votes of those “present” then you **DO** count abstention votes both in establishing the quorum and on the motion. In this event, the abstention votes act just like “no” votes.

#### *How does this work in practice?*

##### *Here are a few examples.*

Assume that a five-member city council is voting on a motion that requires a simple majority vote to pass, and assume further that the body has no specific rule on counting votes. Accordingly, the default rule kicks in and we count all votes of members that are “present and voting.” If the vote on the motion is 3-2, the motion passes. If the motion is 2-2 with one abstention, the motion fails.

Assume a five-member city council voting on a motion that requires a two-thirds majority vote to pass, and further assume that the body has no specific rule on counting votes. Again, the default rule applies. If the vote is 3-2, the motion fails for lack of a two-thirds majority. If the vote is 4-1, the motion passes with a clear two-thirds majority. A vote of three “yes,” one “no” and one “abstain” also results in passage of the motion. Once again, the abstention is counted only for the purpose of determining quorum, but on the actual vote on the motion, it is as if the abstention vote never existed — so an effective 3-1 vote is clearly a two-thirds majority vote.

Now, change the scenario slightly. Assume the same five-member city council voting on a motion that requires a two-thirds majority vote to pass, but now assume that the body **DOES** have a specific rule requiring a two-thirds vote of members “present.” Under this specific rule, we must count the members present not only for quorum but also for the motion. In this scenario, any abstention has the same force and effect as if it were a “no” vote. Accordingly, if the votes were three “yes,” one “no” and one “abstain,” then the motion fails. The abstention in this case is treated like a “no” vote and effective vote of 3-2 is not enough to pass two-thirds majority muster.

Now, exactly how does a member cast an “abstention” vote?

Any time a member votes “abstain” or says, “I abstain,” that is an abstention. However, if a member votes “present” that is also treated as an abstention (the member is essentially saying, “Count me for purposes of a quorum, but my vote on the issue is abstain.”) In fact, any manifestation of intention not to vote either “yes” or “no” on the pending motion may be treated by the chair as an abstention. If written ballots are cast, a blank or unreadable ballot is counted as an abstention as well.

Can a member vote “absent” or “count me as absent?” Interesting question. The ruling on this is up to the chair. The better approach is for the chair to count this as if the member had left his/her chair and is actually “absent.” That, of course, affects the quorum. However, the chair may also treat this as a vote to abstain, particularly if the person does not actually leave the dais.

### **The Motion to Reconsider**

There is a special and unique motion that requires a bit of explanation all by itself; the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure to the issue. And so, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to consider is made and passed.

A motion to reconsider requires a majority vote to pass like other garden-variety motions, but there are two special rules that apply only to the motion to reconsider.

First, is the matter of timing. A motion to reconsider must be made at the meeting where the item was first voted upon. A motion to reconsider made at a later time is untimely. (The body, however, can always vote to suspend the rules and, by a two-thirds majority, allow a motion to reconsider to be made at another time.)

Second, a motion to reconsider may be made only by certain members of the body. Accordingly, a motion to reconsider may be made only by a member who voted in the majority on the original motion. If such a member has a change of heart, he or she may make the motion to reconsider (any other member of the body — including a member who voted in the minority on the original motion — may second the motion). If a member who voted in the minority seeks to make the motion to reconsider, it must be ruled out of order. The purpose of this rule is finality. If a member of minority could make a motion to reconsider, then the item could be brought back to the body again and again, which would defeat the purpose of finality.

If the motion to reconsider passes, then the original matter is back before the body, and a new original motion is in order. The matter may be discussed and debated as if it were on the floor for the first time.



## Courtesy and Decorum

The rules of order are meant to create an atmosphere where the members of the body and the members of the public can attend to business efficiently, fairly and with full participation. At the same time, it is up to the chair and the members of the body to maintain common courtesy and decorum. Unless the setting is very informal, it is always best for only one person at a time to have the floor, and it is always best for every speaker to be first recognized by the chair before proceeding to speak.

The chair should always ensure that debate and discussion of an agenda item focuses on the item and the policy in question, not the personalities of the members of the body. Debate on policy is healthy, debate on personalities is not. The chair has the right to cut off discussion that is too personal, is too loud, or is too crude.

Debate and discussion should be focused, but free and open. In the interest of time, the chair may, however, limit the time allotted to speakers, including members of the body.

Can a member of the body interrupt the speaker? The general rule is “no.” There are, however, exceptions. A speaker may be interrupted for the following reasons:

**Privilege.** The proper interruption would be, “point of privilege.” The chair would then ask the interrupter to “state your point.” Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person’s ability to hear.

**Order.** The proper interruption would be, “point of order.” Again, the chair would ask the interrupter to “state your point.” Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting. For example, if the chair moved on to a vote on a motion that permits debate without allowing that discussion or debate.

**Appeal.** If the chair makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the chair. If the motion is seconded, and after debate, if it passes by a simple majority vote, then the ruling of the chair is deemed reversed.

**Call for orders of the day.** This is simply another way of saying, “return to the agenda.” If a member believes that the body has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the chair discovers that the agenda has not been followed, the chair simply reminds the body to return to the agenda item properly before them. If the chair fails to do so, the chair’s determination may be appealed.

**Withdraw a motion.** During debate and discussion of a motion, the maker of the motion on the floor, at any time, may interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the chair may ask the person who seconded the motion if he or she wishes to make the motion, and any other member may make the motion if properly recognized.

## Special Notes About Public Input

The rules outlined above will help make meetings very public-friendly. But in addition, and particularly for the chair, it is wise to remember three special rules that apply to each agenda item:

**Rule One:** Tell the public what the body will be doing.

**Rule Two:** Keep the public informed while the body is doing it.

**Rule Three:** When the body has acted, tell the public what the body did.



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## **The Ralph M. Brown Act at a Glance**

The Brown Act or “Open Meeting Law” is officially known as the Ralph M. Brown Act and is found in the California Government Code § 54950 et seq. 1. The Brown Act was enacted in 1953 to guarantee the public’s right to attend and participate in meetings of local legislative bodies, and as a response to growing concerns about local government officials’ practice of holding secret meetings that were not in compliance with advance public notice requirements. The Brown Act is pivotal in making public officials accountable for their actions and in allowing the public to participate in the decision making process.

### **Who is Governed by the Brown Act?**

The Brown Act governs local agencies, legislative bodies of local government agencies created by state or federal law and any standing committee of a covered board or legislative body, and governing bodies of non-profit corporations formed by a public agency. Examples of these would be city council, county board of supervisors, special district, school boards, standing committees, and even some types of Home Owners Associations (if they were created by a public entity and constituted as some sort of public district.)

### **What is a “Meeting?”**

A meeting, as defined by the Brown Act, is “any congregation of a majority of the members of a legislative body at the same time and place to hear, discuss or deliberate upon any item that is within the subject matter jurisdiction of the legislative body” (§ 54952.2 (a)). For instance, when the quorum for an oversight committee reaches the number necessary to be a majority (i.e. 3 out of 5), that is considered a meeting under the Brown Act. Also, when the same or a greater number of supervisors are attending a social gathering, for which no meeting notice was given, and they start discussing business under the jurisdiction of their legislative body, that would be considered a meeting that falls under Brown Act regulations.

The key elements for a meeting are quorum and discussion, hearing or deliberation of issues; the meeting needs not to be formally convened in order to be subject to the act. That means that “informal”, “study,” “discussion,” “informational,” “fact-finding,” or “pre-council” gatherings of a quorum of the members of a board are within the scope of the Act as meetings.

### **Exceptions (Meetings Not Covered by the Brown Act)**

Conferences and retreats, other public meetings, meetings of other legislative bodies, social or ceremonial events are exempt from the Brown Act provided that legislative members follow certain rules such as limiting the discussion to the agenda in the conference; or that legislative members do not discuss amongst themselves business of their legislative body. Regulations for these exceptions to meetings are contained in § 54952.2(c). Also excluded from the application of the Brown Act are individual contacts or conversations between a member of a legislative body and any other person (§ 54952.2(c) (1)). Any other person is defined as a non-staff or non-board member.

## **Serial Meetings**

The Brown Act explicitly prohibits the use of “direct communication, personal intermediaries, or technological devices that is employed by a majority of the members of the legislative body to develop a collective concurrence as to action to be taken on an item by the members of the legislative body” (§ 5495.2(b)). Serial meetings involve communication between members of a legislative body that are less than a quorum, but when all participants are considered, it constitutes a majority. “For example, a chain of communications involving contact from member A to member B who then communicates with member C would constitute a "serial meeting" ... Similarly, when a person acts as the hub of a wheel (member A) and communicates individually with the various spokes (members B and C), a serial meeting has occurred. In addition, a serial meeting occurs when intermediaries for board members have a meeting to discuss issues.

For example, when a representative of member A meets with representatives of members B and C to discuss an agenda item, the members have conducted a serial meeting. In *Stockton Newspapers, Inc. v. Redevelopment Agency* (1985) 171 Cal.App.3d 95, the Court concluded that a series of telephone conversations conducted by the agency's attorney as an intermediary constituted a meeting within the scope of the Brown Act. (See also, 65 Ops.Cal.Atty.Gen. 63 (1982); 63 Ops.Cal.Atty.Gen. 820 (1980)).”<sup>3</sup> Thus, the use of email to create consensus among the legislative members might be in violation of the Brown Act.

## **Teleconference Meetings**

The Brown Act allows teleconference meetings if they comply with the following specifications:

- The teleconference location is accessible to the public and it is noted in the agendas;
- The meeting is useful to the public and the legislative body;
- All votes are taken by roll call, and;
- At least a quorum of the members of the legislative body are located within the boundaries of the territory over which it exercises jurisdiction (§ 54953(b)).

## **Closed Sessions**

The Brown Act allows closed sessions under the scope of a regular meeting. It stipulates that they shall comply with agenda posting and be held within the jurisdiction of the legislative body (§ 54954), which shall include a description of the items to be discussed (§ 54954.2). In addition, prior to holding any closed session, the legislative body shall disclose, in an open meeting, the item or items to be discussed in the closed session (§ 54957.7). Items that can be discussed by the legislative body are according to § 54954.5:

- License or permit determination (§ 54956.7)
- Conference with real property negotiators (§ 54956.8)
- Conference with legal counsel regarding existing or anticipated litigation (§ 54956.9)
- Liability claims (§ 54956.95)
- Threat to public services or facilities (§ 54957(a))
- Public employee appointment, employment, performance evaluation, discipline, dismissal or release (§ 54957(b))
- Conference with labor negotiators (§ 54957.6)

- Case review or planning (§ 54957.8)
- Report involving trade secret or hearings (§ 54956.87, California Health and Safety code §§1461,32106 and 32155; or California Government Code §§ 37606 and 37624.3)
- Charge or complaint involving information protected by federal law (§ 54956.86).
- The legislative body should publicly report actions, along with the vote and abstention count, taken as result of a closed session (§ 54957.1). Documentation relative to the reports should be available to any person on the next business day following the meeting (§ 54957.1(c)).

### **Special Meetings**

Either the presiding officer or the majority of members of the legislative body may call special meetings at any time by delivering each of its members a written notice and by notifying the media (which has previously requested notification of special meetings): the notice shall be received at least 24 hours in advance before the meeting. Special meetings notice shall be also posted at least 24 hours prior to the meeting and it should be held in a location that is freely accessible to members of the public. The discussions at the special meeting are limited to the issues posted in the agenda. No other business shall be considered (§ 54956).

### **What Rules Must a Meeting Follow?**

Local agencies, in order to comply with the Brown Act, shall:

Hold open and public meetings (§ 54953 (a)). In addition, no legislative body shall conduct any meeting in a facility that prohibits the admittance of any person(s) on the basis of: race, religion, color, national origin, ancestry, sex; or that is inaccessible to disabled persons, or where the public, in order to gain access to the facility, needs to pay or purchase something (§ 54961 (a)).

- Vote publicly, no secret ballots are allowed (§ 54953 (c)).
- Comply with the protections and prohibitions of Section 202 of the Americans with Disabilities Act of 1990 (§ 54953.2).
- NOT require public registration, as a condition for attendance; the public is not required to register, provide any other information –such as self-identification--, or fulfill any condition precedent to its attendance. If an attendance list is circulated, it shall clearly state that the signing, registering, or completion of the document is voluntary (§ 54953.3)
- Allow recording of the proceeding (video tape, audio tape) provided that recording is done in an undistruptive way (§ 54953.5)
- NOT prohibit or restrict broadcasting unless there is a finding that this would be disruptive to the proceedings (§ 54953.6)
- Post notice of meetings, information shall include specified time and location, except for advisory or standing committees (§ 54954 (a))
- Post agendas at least 72 hours in advance of the meeting and it shall contain a brief general description of each item of business (§ 54954.2(a))
- NOT take action or discuss any item not appearing on the posted agenda except under certain conditions (§ 54954.2(a), conditions appear on subsection (b)) \
- Hold meetings in the jurisdiction of the legislative body (§54954 (b))

- Allow and honor any person's request to provide and mail a copy of the agenda at the time the agenda is posted (at least 72 hours in advance) or of all the documents of the agenda packet of any meeting (§ 54954.1)
- Provide an opportunity for comment from members of the public to directly address the legislative body on any item of interest to the public on every agenda for regular meetings (§ 54954.3(a))
- Allow public criticism of the legislative body (§ 54954.3(c))
- Hold at least one public meeting, allowing for public comment, before adopting any new or increased general tax or increased assessment, and
- the legislative body shall provide at least 45 days public notice of such meeting (§ 54954.6)5
- Not charge fees for the attendance to a meeting or for carrying out any provision in the Brown Act (§ 54956.6). The only exception is when legislative bodies are allowed to charge a fee that covers the cost of mailing an agenda or agenda packet (§ 54954.1). A related requirement is found on § 54961(a) that prohibits meetings in a place where the public needs to pay or purchase something
- Disclose to the public agendas of public meetings and any other writings, when distributed to all, or a majority of all, of the members of a legislative body of a local agency. In addition, under the California Public Records Act these documents shall be made available upon request and without delay (§ 54957.5)
- Preserve the order in meetings. Moreover, if a group willfully interrupts a meeting and the order can only be restored by the removal of disruptive individuals, then the legislative body may order the meeting room to be cleared. The session might be reinitiated and representatives of the media shall be allowed to stay and attend the session. The legislative body may also establish a procedure for readmitting individual(s) not responsible for the disruptive conduct that caused the meeting room to be cleared (§ 54957.9).

### **Violations of the Brown Act**

Each member of a legislative body who has taken action in violation of any provision of the Brown Act, and where there was willful deprivation of information to the public, is guilty of a misdemeanor (§ 54959). Civil remedies (injunction, mandamus, declaratory relief and voiding past actions of the body) are provided in case of violation of the Brown Act (§§ 54960 and 5490.1) pursuant to §§ 54953, 54954.2, 54954.5, 54954.6, 54956, and 54956.5 (that is, for violations to requirements for: general open meeting, agenda posting, closed sessions, tax and assessment, special meetings and, emergency meetings). A court may award court costs and reasonable attorney fees to the plaintiff in an action brought pursuant to §§ 54960 and 5490.1.

In order to correct a violation to the Brown Act, a complaint to cure and correct has to be filed by the interested party:

- within 30 days of the date the action was taken during an open meeting and in violation of agenda requirements
- Within 90 days of the date the action was taken for all other cases
- Once the legislative body has received the complaint, it has 30 days to cure or correct the challenged action, if it fails to do so, a person then may file suit to void the action (§ 54960.1.)

**TO:** Measure D Taxpayer Oversight Committee  
**FROM:** Rachel Moriconi, Senior Transportation Planner  
**RE:** Measure D Overview

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## **RECOMMENDATIONS**

This item is for information only.

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## **BACKGROUND**

Transportation funding has not kept pace with the costs to operate, maintain, and improve the local transportation system. In November 2016, Santa Cruz County voters took a major step to address at least some of the shortfall by passing Measure D, a local half percent sales tax dedicated to transportation investments. Measure D revenues help maintain and improve local roads, highways, bridges, sidewalks, bicycle facilities, and transit. Measure D secured more than the 2/3 majority needed to pass, with 83,816 “yes” votes or 67.78% of the votes cast on Measure D. The RTC website: [www.sccrtc.org/move](http://www.sccrtc.org/move) provides information on Measure D to the public.

## **DISCUSSION**

### **Development of Measure D**

Recognizing the backlog of transportation needs in Santa Cruz County, the Regional Transportation Commission (RTC) worked with the community for over a decade to evaluate funding mechanisms that would provide local, independent, secure revenue that can be used to leverage state and federal grants. The RTC and others solicited input from a broad cross section of community groups, local jurisdictions, transportation providers, and the community at large through a Transportation Funding Task Force, workshops, public meetings, stakeholder group meetings, presentations, and polls of likely voters. Based on this extensive community input, the RTC prepared an investment plan to repair and maintain local streets and roads; preserve transportation services for seniors and people with disabilities; make traveling safer for drivers, buses, pedestrians and bike riders; preserve and maintain the rail corridor; build the coastal rail trail; improve traffic flow and reduce congestion. The resulting 1/2-cent sales tax ballot measure allows agencies to meet more of the community’s transportation needs with dependable local funding sources. A summary of Measure D is included as Attachment 1.

### **Ordinance**

The Regional Transportation Commission, as the Local Transportation Authority (Authority) under Public Utilities Code 180000, was responsible for placing the

countywide tax measure on the ballot. The Measure D Ordinance ([Attachment 2](#)) is the full text of the Measure D ballot measure, which provides details regarding implementation of the measure. The full text was included in the voter pamphlet that each registered voter received from the County Elections Office. Most sections of the ordinance are common to transportation sales tax ballot measures throughout the state, and include clauses which were mandated by state law or the California Board of Equalization. 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 expenditure plan, which is an exhibit to the ordinance ([Attachment 3](#)).

The ordinance also includes other standard financial provisions, such as the ability of the Authority (RTC) to issue bonds. In general, while several agencies are recipients of funds generated by the tax, the RTC, as the taxing Authority, is responsible for administration, allocation, oversight and reporting on implementation of the measure.

### **Expenditure Plan**

The voter-approved Expenditure Plan or investment plan ([Attachment 3](#)) is a component of the larger Ordinance. It is the plan for the expenditure of revenues expected to be derived from the tax, together with other federal, state, and local funds expected to be available for transportation projects and programs over next 30 years. The Expenditure Plan splits Measure D revenues between five categories of projects: neighborhood projects (30% of net measure revenues), highway corridors (25%), transportation for seniors and people with disabilities (20%), active transportation (17%), and the rail corridor (8%).

### **Distribution of Funds**

Projects and programs funded in the Expenditure Plan will be implemented over the 30-year time horizon of the Transportation Tax. Investments funded by the Expenditure Plan include:

- i. Investment categories which are allocated a percentage of net revenues (highway, active transportation, etc.);
- ii. Investments which are allocated specific dollar amounts (San Lorenzo Valley - \$10 million; Highway 17 Wildlife Crossing - \$5 million);
- iii. Ongoing direct allocations of a percentage of net revenues distributed to cities, the County of Santa Cruz, and transit operators for capital projects and operations.

RTC is required to distribute revenues no less than quarterly to local jurisdictions, the Santa Cruz Metropolitan Transit District, and the Consolidated Transportation Service Agency based on the formulas set forth in the Expenditure Plan. RTC allocates, administers and oversees the expenditure of all Measure Revenues which are not directly allocated by formula annually to other agencies, though the RTC may allocate those funds to other agencies to implement specific projects. In 2017 recipient agencies signed agreements which provide guidance on compliance with the Measure D Ordinance.

Agencies implementing the Expenditure Plan projects may accumulate revenue over multiple years so that sufficient funding is available for larger and long-term projects. Any interest income earned on funds allocated pursuant to this ordinance must be expended only for the purposes for which the funds were allocated.

### Eligible Uses of Measure Funds

Measure D revenue, including any interest or other earnings thereon, may only be used for transportation purposes described in the Ordinance and Expenditure Plan, these include:

- **Capital:** Construction, acquisition, maintenance, and operation of streets, roads, highways, including local roads, state highways and public transit systems.
- **Pre-Construction:** Planning, environmental reviews, engineering and design costs, and related right-of-way acquisition.
- **Non-infrastructure** projects, programs, and operations.
- **Bonding Costs:** Debt service on bonds or other indebtedness, and expenses and reserves in connection with the issuance of the same. While pay-as-you-go financing is the preferred method for financing projects, the Ordinance provides the RTC with the authority to bond against the funds to accelerate projects if the RTC finds it to be cost effective.
- **Other Project Costs:** For related transportation purposes consistent with the Expenditure Plan, including project management and oversight of the projects, such as coordination with other responsible agencies, as well as project delivery and negotiation of project agreements, and legal actions related to implementation of projects.

### Other Costs:

- **Election Cost:** Payments to the County of Santa Cruz for any election costs.
- **BOE Payments:** Set up and ongoing required payments to the Board of Equalization (*max 1.5% of proceeds*)
- **Administration:** Implementation and administration of all provisions and requirements of the Ordinance, as amended.
  - Costs of program administration and oversight. Any funds necessary for the RTC's administration, implementation and oversight of the tax are paid by Measure Revenues - in order to ensure that the cost of administration, implementation and oversight the Measure are not borne by other programs and sources.
  - Administrative functions include staff support, audits, programming processes, reporting, financial management, compiling and publishing an annual report, providing public information concerning the Ordinance, rent, supplies, contract and consulting services, overhead, legal, administrative expenses, other responsibilities as may be necessary and reasonable to administer the Ordinance and Expenditure Plan.

- Administrative costs are paid off the top, prior to the distribution of the Transportation Tax Revenue as provided in the Expenditure Plan.

**Effective Dates: April 1, 2017 – March 31, 2047**

The Measure D sales tax went into effect on April 1, 2017 and expires thirty (30) years from the Operative Date.

**Taxpayer Safeguards/Accountability**

As with any tax or fee, it is important to ensure accountability and transparency in how measure funds are used. In addition to establishment of an oversight committee, Measure D also requires an independent annual audit of all expenditures from the measure. The Measure D Ordinance also requires that recipients of measure funds provide: an annual report on how the prior year's funds were spent; annually approve a five-year plan showing the community how they plan to use future revenues; and demonstrate that funds generated by the measure are being used to supplement and not replace revenues used for transportation purposes. These safeguards are in addition to the extensive existing oversight structures in place by public agencies.

Measure D taxpayer oversight committee will review annual reports and the annual fiscal audit to ensure that Measure D revenues were expended consistent with the requirements of the Measure D Ordinance.

**SUMMARY**

Measure D was approved by over 2/3 of Santa Cruz County voters in November 2016. Staff will provide an overview of the Measure D Ordinance and Expenditure Plan at this meeting.

Attachments:

1. Measure D Fact Sheet
2. Measure D Ordinance
3. Measure D Expenditure Plan

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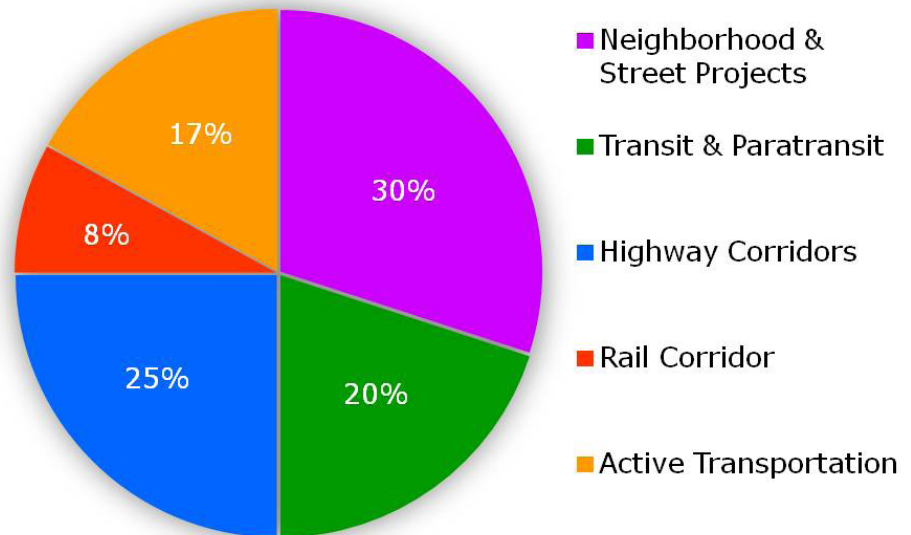
## Santa Cruz County Regional Transportation Commission

### Measure D 2018 Implementation

#### Fact Sheet

On November 8, 2016 67.78% of Santa Cruz County voters approved Measure D, a 1/2 cent sales tax measure to improve, operate and maintain Santa Cruz County's transportation network.

Projects will provide safer routes to schools for local students; maintain mobility and independence for seniors and those with disabilities; invest in bicycle and pedestrian pathways and bridges on an unprecedented scale; repave roadways, repair potholes and improve safety on local streets; ease congestion on major roadways; and invest in transportation projects that reduce the pollution that causes global warming.



#### Measure D

##### *Optimizes funding:*

- By leveraging local dollars, our cities, the County, the RTC, METRO and Liftline will be able to compete for federal and state grants that require matching funds.

##### *Committed to voters:*

- Members of the public are encouraged to review and comment on annual reports, including 5-year plans identifying specific projects prepared by each agency.
- Annual audits of the expenditure of all funds generated by the measure are conducted by an independent auditor and publicly available.
- A Measure D Independent Oversight Committee will review the independent annual audit and issue a report regarding compliance with the Expenditure Plan.
- Local jurisdictions are required to use the new funds to supplement, not replace, existing revenues used for transportation. Annual audits will include analysis of this Maintenance of Effort.

#### Summary of Transportation Projects

##### *Estimated 30-year funding allocations*

##### Neighborhood Projects - 30%

**Local Funds for Cities and County:** Direct percentage for local roadway pavement repair and operational improvements, school and neighborhood traffic safety projects, bicycle and pedestrian projects

**San Lorenzo Valley Hwy 9 Corridor Improvements:** \$10 million to improve safety for SLV pedestrians, bicyclists, and motorists

**Highway 17 Wildlife Crossing:** \$5 million to help build a wildlife crossing under Highway 17 at Laurel Curve

##### Highway Corridors - 25%

**Highway 1 Corridor:** Extend merge lanes that separate entering and exiting traffic from through lanes to improve traffic flow and safety at the 41st Ave-Soquel Dr, Bay/Porter Park, and State Park-Park exits

**Bicycle and pedestrian over-crossings:** \$7 million for two car-free highway overcrossings at Chanticleer Ave and Mar Vista Drive

**Traveler Information and Transportation Demand Management:** Cruz511 traveler information, Carpool/Vanpool Programs

**Highway Safety and Congestion Reduction Programs:** Freeway Service Patrol and Safe on 17 Enforcement

##### Transit for Seniors and People with Disabilities Direct Allocation to Service Providers - 20%

**Santa Cruz METRO (16%):** \$80 million to help stabilize fixed-route bus and ParaCruz service levels

**Community Bridges Lift Line Paratransit Service (4%):** \$20 million to increase LiftLine's ability to provide service by 30%

##### Active Transportation - 17%

**Monterey Bay Sanctuary Scenic Trail (Coastal Rail Trail):** Bike and pedestrian trail construction; maintenance, management and drainage of rail and trail corridor; install conduit for internet and electrical services

##### Rail Corridor - 8%

**Infrastructure Preservation and Analysis of Options:** Analysis (including environmental and economic analysis) of both rail transit and non-rail options for the corridor; rail line maintenance and repairs



For more information on the implementation of Measure D, visit: [sccrtc.org/move](http://sccrtc.org/move)  
831-460-3200

**ORDINANCE NO. 2016-01**

**AN ORDINANCE OF  
THE SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION  
ENACTING A RETAIL TRANSACTIONS AND USE TAX,  
SUBJECT TO ADOPTION BY THE ELECTORATE,  
TO BE ADMINISTERED BY THE STATE BOARD OF EQUALIZATION**

**WHEREAS**, the multimodal local transportation network is necessary for economic vitality; provides access to homes, schools, healthcare, and businesses; is utilized by drivers, buses, people walking, bicyclists, trains and trucks; and is important to the overall quality of life for all Santa Cruz County residents; and

**WHEREAS**, agencies in Santa Cruz County are working to reduce congestion, reduce greenhouse gas emissions and improve safety, access and mobility; and

**WHEREAS**, the County of Santa Cruz and the Cities of Capitola, Santa Cruz, Scotts Valley, and Watsonville operate, maintain, and make improvements to the local street and road network, which includes over 1,800 lane miles of roads, traffic signals, sidewalks, bicycle paths, and other transportation facilities; and

**WHEREAS**, public transit and paratransit operators provide a lifeline for senior citizens and people with disabilities, who depend on these vital transportation services for independent living; and

**WHEREAS**, over 100,000 people travel each day on Highway 1 to access their homes, jobs, health care, and services; and

**WHEREAS**, the Santa Cruz Branch Rail Line was brought into public ownership in 2012 for the purpose of expanding transportation options along the most heavily traveled corridor in Santa Cruz County; and

**WHEREAS**, the Monterey Bay Sanctuary Scenic Trail Network, including the Rail Trail, is a planned multi-use bicycle and walking path that is separated from vehicular traffic and will span the length of Santa Cruz County connecting homes, schools, jobs, coastal and other key destinations; and

**WHEREAS**, State and Federal funding sources and programs that support transportation have been cut, are unreliable, can be diverted to other uses, and are insufficient to operate and maintain the local road, bicycle, pedestrian, transit, senior and disabled transportation networks in a state of good repair; and

**WHEREAS**, new local revenues that cannot be taken by the state are needed to prevent further deterioration of roads and maintain them in good condition; reduce traffic congestion; maintain public transportation and transportation services for seniors and people with

disabilities; reduce collisions and improve traffic flow on local highways; provide safe and accessible crosswalks, ramps, and sidewalks; and create safe bicycle routes; and

**WHEREAS**, there is strong recognition of need for infrastructure improvements and acknowledgement that the local multi-modal transportation network serves all sectors of our community; and

**WHEREAS**, after receiving feedback from residents throughout Santa Cruz County on their priorities for the multimodal transportation system, the Santa Cruz County Regional Transportation Commission has determined that the community places a high priority on preserving and maintaining existing infrastructure, maintaining public transit and transit service for seniors and people with disabilities, reducing traffic congestion, improving safety, and expanding options for traveling within Santa Cruz County; and

**WHEREAS**, the Local Transportation Authority and Improvement Act, California Public Utilities Code Section 180000 *et seq.* (“Act”), generally authorizes a local transportation authority to place a ballot measure before the voters of the county to authorize a retail transactions and use tax to fund transportation-related projects and programs (“Transportation Tax”), upon the approval of two-thirds of the electors voting upon the measure; and

**WHEREAS**, the Santa Cruz County Regional Transportation Commission is designated by California Government Code section 29532.1 as the transportation planning agency of the County of Santa Cruz; and

**WHEREAS**, Sections 180050 and 180201 of the Act provide that the County may designate a transportation planning agency to act as the local transportation authority for purposes of the Act including imposing a Transportation Tax; and

**WHEREAS**, a one-half cent sales tax established locally would generate approximately seventeen million dollars (\$17 million) per year solely for transportation projects in Santa Cruz County; and

**WHEREAS**, local funding measures for transportation strengthen our local economy by creating jobs and providing mobility and access for all transportation system users; and

**WHEREAS**, the Act states that the additional funds provided by the tax so adopted shall supplement existing local revenues being used for public transportation purposes; and

**WHEREAS**, the Act further provides that a county transportation expenditure plan shall be prepared for the expenditure of the revenues expected to be derived from the Transportation Tax; and

**WHEREAS**, the Santa Cruz County Regional Transportation Commission has conducted a noticed public hearing, as required by state law, on the question of whether or not to request voters to adopt an Ordinance to fund the programs identified in the Expenditure Plan; and

**WHEREAS**, funds generated by the Transportation Tax shall be used only for transportation purposes, including the administration of the Expenditure Plan, construction, acquisition, maintenance and operation of streets, roads, highways, public transit systems, including paratransit services, and related transportation purposes within the County of Santa Cruz,

**NOW, THEREFORE**, the people of the Santa Cruz County Regional Transportation Commission of the County of Santa Cruz do ordain as follows:

**Section 1. TITLE.** This Ordinance shall be known as the “Santa Cruz County Transportation Improvement Plan Measure.” The Santa Cruz County Regional Transportation Commission shall be referred to herein as the Local Transportation Authority (“Authority”). This Ordinance shall be applicable in the territory of the Santa Cruz County Regional Transportation Commission, which is all incorporated and unincorporated territory lying within the County of Santa Cruz.

**Section 2. SUMMARY.** This Ordinance provides for the adoption of a transportation Expenditure Plan for Santa Cruz County, the imposition of a Retail Transactions and Use Tax of one-half of one percent (0.5%) for a period of thirty (30) years, the authority to issue limited tax bonds secured by such taxes and the administration of the tax proceeds, with independent citizens oversight and annual audit reports for public review.

**Section 3. OPERATIVE DATE.** Subject to voter approval, this Ordinance shall be operative the first day of the first calendar quarter commencing more than 110 days after the adoption of this Ordinance. The anticipated Operative Date of this Ordinance will be as early as April 1, 2017, if approved by two-thirds of the voters voting on the measure at the November 8, 2016 Election.

**Section 4. DEFINITIONS.** The following definitions shall apply in this Ordinance:

- A. “Authority” means the Santa Cruz County Regional Transportation Commission (SCCRTC), previously created in Government Code 67940 and 67941 and designated as the transportation planning agency for Santa Cruz County in Government Code 29532.1 and designated as the Local Transportation Authority for Santa Cruz County pursuant to Division 19 (commencing with Section 180000) of the California Public Utilities Code, authorized to impose a Retail Transactions and Use Tax, subject to voter approval, in accordance with Chapter 5 (commencing with Section 180200) of Division 19 of the California Public Utilities Code, and with Part 1.6 (commencing with Section 7251) of Division 2 of the California Revenue and Taxation Code.
- B. “Board of Supervisors” means the Santa Cruz County Board of Supervisors.
- C. “County” means Santa Cruz County and includes the incorporated and unincorporated territory of the county which makes up the boundaries of the Santa Cruz County Regional Transportation Commission territory.

- D. "State" means the State of California.
- E. "Measure Revenue" or "Transportation Tax Revenue" means the revenue generated by the one-half of one percent (0.5%) increase in the Retail Transactions and Use Tax imposed and as collected pursuant to this Ordinance, including any interest or other earnings thereon.
- F. "Retail Transactions and Use Tax" or "Transportation Tax" is to be identified as specified in Part 1.6 (commencing with section 7251) of Division 2 of the California Revenue and Taxation code.
- G. "Measure" or "Traffic Relief, Road Repair, Safety, Transit Improvement Measure" or "Transportation Improvement Plan (TRIP)" or "Santa Cruz County Transportation Tax Measure" means the Ordinance, including all provisions and Expenditure Plan incorporated herein.
- H. "Expenditure Plan" or "Plan" or "Investment Plan" means the 2016 Santa Cruz County Transportation Improvement Plan - Expenditure Plan attached to this Ordinance as Exhibit A and adopted as part of this Ordinance including any future amendments thereto. This is the plan for the expenditure of revenues expected to be derived from the tax imposed pursuant to this Ordinance, together with other federal, state, and local funds expected to be available for transportation projects and programs, for the period during which the tax is to be imposed.

**Section 5. PURPOSE.** This Ordinance is adopted to achieve the following, among other purposes, and directs that the provisions hereof be interpreted in order to accomplish those purposes:

- A. To impose a Retail Transactions and Use Tax in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code and Section 180000 *et seq.* of the California Public Utilities Code, which authorize the Authority to adopt this Ordinance which shall be operative if a two-thirds (2/3) majority of the electors voting on the measure vote to approve the imposition of the tax at an election called for that purpose.
- B. To adopt a Retail Transactions and Use Tax ordinance that incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.6 of Division 2 of the Revenue and Taxation Code.
- C. To adopt a Retail Transactions and Use Tax ordinance that imposes a countywide Transportation Tax and provides a measure therefor that can be administered and collected by the State Board of Equalization in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the State Board of Equalization in administering and collecting the California State Sales and Use Taxes.

- D. 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 Division 19 (commencing with Section 180000) of the California Public Utilities Code and 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 this ordinance.
- E. Measure Revenue, including any interest or other earnings thereon, may only be used for transportation purposes described in the Ordinance and Expenditure Plan (Exhibit A), including: the implementation and administration of all provisions and requirements of this Ordinance as amended; the construction, acquisition, maintenance, and operation of streets, roads, highways, including local roads, state highways and public transit systems; and for related transportation purposes consistent with the Expenditure Plan, including project management and oversight of the projects to be funded using the Transportation Tax, such as coordination with other responsible agencies as well as project delivery and negotiation of project agreements. These purposes include expenditures for planning, environmental reviews, engineering and design costs, and related right-of-way acquisition. Expenditures may also include, but are not limited to, payments to the County of Santa Cruz for any election costs as set forth in the Ordinance, required payments to the Board of Equalization, costs of program administration and oversight, defense or prosecution of legal actions related thereto, debt service on bonds or other indebtedness, and expenses and reserves in connection with the issuance of the same.

**Section 6. ADMINISTRATION OF PLANS.** The Authority shall impose the Transportation Tax and enter into an agreement with the State Board of Equalization to collect the funds, may at the discretion of the Authority's governing Board enter into agreement with the County Auditor-Controller to allocate revenues derived from the Transportation Tax consistent with the Ordinance and Expenditure Plan, and shall administer the Ordinance and Expenditure Plan included in this Ordinance, consistent with the provisions and priorities of the Ordinance and Expenditure Plan, consistent with the authority cited herein.

**Section 7. CREATION OF SPECIAL FUND.** The Authority shall establish a new fund entitled "Transportation Tax Regional Transportation Fund". All Transportation Tax Revenue, plus interest, will be deposited in the special fund. The fund authorized hereunder will be administered by the Authority pursuant to this Ordinance and 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.

**Section 8. IMPLEMENTATION.**

- A. Projects and programs funded in the Expenditure Plan will be implemented over the 30-year time horizon of the Transportation Tax. Three types of investments are funded by the Expenditure Plan: investment categories which are allocated a percentage of net revenues, capital investments which are allocated specific dollar amounts, and ongoing direct allocations of a percentage of net revenues to be distributed to cities, the County of Santa Cruz, and transit operators for capital projects and operations. Capital investments will be

made based upon clearly defined project descriptions and limits resulting from the outcomes of environmental analyses, as applicable. The Authority shall distribute revenues no less than quarterly to local jurisdictions, the Santa Cruz Metropolitan Transit District, and the Consolidated Transportation Service Agency based on the formulas set forth in the Expenditure Plan, in accordance with the Act and this Ordinance.

- B. The Santa Cruz County Regional Transportation Commission, which currently allocates, administers and oversees the expenditure of federal, state and Transportation Development Act funding for local and regional transportation projects and programs, in its role as the Authority shall allocate, administer and oversee the expenditure of all Measure Revenues which are not directly allocated by formula annually to other agencies, consistent with the Expenditure Plan, as it may be amended in accordance with the Act and this Ordinance through an Implementation Plan, which it will update at least every 5 years, following a public hearing. The purposes of the Implementation Plan are to define the scope, cost, and delivery schedule of each Expenditure Plan project or program, detail the revenue projections and possible financing tools needed to deliver the Expenditure Plan within the 30 years promised to voters, and describe the risks, critical issues and opportunities that the Authority should address to expeditiously deliver the Expenditure Plan. The Implementation Plan may be amended by a majority vote of the Authority, however, amendment of the Implementation Plan shall not serve to amend provisions of the Expenditure Plan.
- C. Agencies implementing the Expenditure Plan projects may accumulate revenue over multiple years so that sufficient funding is available for larger and long-term projects. Any interest income earned on funds allocated pursuant to this ordinance shall be expended only for the purposes for which the funds were allocated.

**Section 9. LEVERAGING FUNDS.** Leveraging or matching of outside funding sources is strongly encouraged. Any additional transportation revenues made available through their replacement by matching funds will be spent based on the principles outlined for fund allocations described in the Ordinance and Expenditure Plan.

**Section 10. BONDING AUTHORITY.** Pay-as-you-go financing is the preferred method of financing transportation improvements and programs under this Ordinance. However, if determined by the board of the Authority to be cost effective and to accelerate implementation of projects, the Authority may decide to use bond financing as an alternative method. Upon voter approval of this Ordinance, the Authority shall have the power to sell or issue, from time to time, on or before the collection of taxes, bonds, or other evidence of indebtedness, in an aggregate principal amount at any one time outstanding not to exceed the estimated proceeds of the Transportation Tax, and to secure such indebtedness solely by way of future collection of the Transportation Tax, for capital outlay expenditures for the purposes set forth in this Ordinance, including, but not limited to, carrying out the transportation projects described in the Expenditure Plan, consistent with the Section 180250 of the Public Utilities Code.

**Section 11. COOPERATIVE FUND AGREEMENTS.** To maximize the effective use of funds, revenues may be transferred or exchanged between or among jurisdictions receiving funds from this measure. Jurisdictions receiving funds may, by annual or multi-year agreement,

exchange funds provided that the percentage of funds allocated as provided in the Expenditure 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 12. ADMINISTRATIVE AND IMPLEMENTATION COSTS.**

A. The Authority shall expend only that amount of the Transportation Tax Revenue for staff support, audit, administrative expenses, and contract services that is necessary and reasonable to carry out its responsibilities pursuant to Division 2 of the Revenue and Taxation Code. Pursuant to Section 180109 of the Public Utilities Code, the Authority shall not expend more than one percent of the funds generated pursuant to Division 19 of the Code for administrative salaries and benefits net of the amount of fees paid to the State Board of Equalization for collection of the transactions and use tax and prior to the distribution of the Transportation Tax Revenue as provided in the Expenditure Plan (Exhibit A).

B. In order to ensure that the cost of administration, implementation and oversight this Measure are not borne by other programs and sources, such as Transportation Development Act-funded programs, any funds necessary for administrative, implementation and oversight of the Ordinance and Transportation Tax shall be paid by Measure Revenues. These functions include audits, programming processes, reporting, financial management, compiling and publishing an annual report, providing public information concerning the Ordinance, rent, supplies, consulting services, overhead, legal, other responsibilities as may be necessary to administer the Ordinance and Expenditure Plan. Costs of performing or contracting for project-related work shall be paid from the revenues of the Transportation Tax allocated to the appropriate purpose and project.

**Section 13. 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 profession 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 14. ELECTION.** The Authority requests the Board of Supervisors to call an election for voter approval of this Ordinance, which election shall be held on November 8, 2016. The election shall be called and conducted in the same manner as provided by law for the conduct of elections by a county. Pursuant to Section 180203 of the Public Utilities Code, the sample ballot to be mailed to the voters shall be the full proposition as set forth in this Ordinance, and the voter



information handbook shall include the Expenditure Plan. Approval of this Ordinance, and imposition of the Transportation Tax, shall require the affirmative vote of a two-thirds (2/3) majority of the electors voting on this measure at the election described in this section. The proposition to be placed on the ballot shall read substantially as follows:

**“Safety, Pothole Repair, Traffic Relief, Transit Improvement Measure.** In order to: improve children’s safety around schools; repair potholes; repave streets; improve traffic flow on Highway 1; maintain senior/disabled transit; reduce global warming pollution by providing transportation options like sidewalks, buses, bike lanes, trails; preserve rail options; shall Santa Cruz County voters adopt an ordinance establishing a half-cent sales tax for 30 years, raising approximately \$17 million annually, requiring citizen oversight, independent audits, and funds spent locally?

YES \_\_\_\_ NO \_\_\_\_”

**Section 15. ELECTION COSTS.** The County of Santa Cruz shall be reimbursed for its cost in conducting the election if the measure is approved per Section 180203(a) of the Public Utilities Code. Election costs will be funded from Year 1 Measure Revenues before net proceeds are disbursed to the projects and programs in the Expenditure Plan. Reimbursement of the County of Santa Cruz for the costs of this election shall be deferred until it can be paid from the Measure Revenues collected when the Transportation Tax goes into effect.

**Section 16. CONTRACT WITH STATE.** Prior to the operative date of this Ordinance, 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 17. TRANSACTIONS TAX RATE.** For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated and unincorporated territory of the County at the rate of 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.

**Section 18. 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 19. USE TAX RATE.** An excise tax is hereby imposed on the storage, use or other consumption in 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 said territory at the rate of one-half of one percent (0.5%) 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 20. ADOPTION OF PROVISIONS OF STATE LAW.** Except as otherwise provided in this ordinance and except insofar as they are inconsistent with the provisions of Division 19 (commencing with Section 180000) of the California Public Utilities Code and Part 1.6 of Division 2 (commencing with Section 7251) 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 21. LIMITATIONS ON ADOPTION OF STATE LAW AND COLLECTION OF USE TAXES.** In adopting the provisions of Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code:

- A. Wherever the State of California is named or referred to as the taxing agency, the name of 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, Victim Compensation and Government Claims Board, State Board of Equalization, State Treasury, or the Constitution of the State of California;
  - 2. The result of that substitution would require action to be taken by or against 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 "County" shall be substituted for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 and in the definition of that phrase in Section 6203.

**Section 22. 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 23. EXEMPTIONS AND EXCLUSIONS.**

- A. There shall be excluded from the measure of the transactions tax and the use tax the amount of any sales tax or use tax imposed by the State of California or by any city, city and county, or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law or the amount of any state-administered transactions or use tax.
- B. There are exempted from the computation of the amount of transactions tax the gross receipts from:
  1. Sales of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the County in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government.
  2. Sales of property to be used outside the County which is shipped to a point outside the County, pursuant to the contract of sale, by delivery to such point by the retailer or his agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this paragraph, delivery to a point outside the County shall be satisfied:
    - a. With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, and undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code by registration to an out-of-County address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, his or her principal place of residence; and
    - b. With respect to commercial vehicles, by registration to a place of business out-of-County and declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.
  3. The sale of tangible personal property if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance.

4. A lease of tangible personal property which is a continuing sale of such property, for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the operative date of this ordinance.
  5. For the purposes of subparagraphs (3) and (4) of this section, the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.
- C. There are exempted from the use tax imposed by this ordinance, the storage, use or other consumption in this County of tangible personal property:
1. The gross receipts from the sale of which have been subject to a transactions tax under any state-administered transactions and use tax ordinance.
  2. Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government. This exemption is in addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code of the State of California.
  3. If the purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance.
  4. If the possession of, or the exercise of any right or power over, the tangible personal property arises under a lease which is a continuing purchase of such property for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease prior to the operative date of this ordinance.
  5. For the purposes of subparagraphs (3) and (4) of this section, storage, use, or other consumption, or possession of, or exercise of any right or power over, tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.
  6. Except as provided in subparagraph (7), a retailer engaged in business in the County shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the County or participates within the County in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in the County or through any representative, agent, canvasser, solicitor, subsidiary, or person in the County under the authority of the retailer.

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

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

**Section 24. AMENDMENTS.** 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. Other amendments to this Ordinance shall require a two-thirds (2/3) vote of the total membership of the Authority.

**Section 25. EXPENDITURE PLAN UPDATES AND AMENDMENTS.**

- A. This Ordinance and Expenditure Plan may be amended to provide for the use of additional federal, state, and local revenues, to account for unexpected revenues, or to take into consideration unforeseen circumstances. Should a project implementing agency determine that a planned project has become undeliverable, infeasible or unfundable due to circumstances unforeseen at the time this Ordinance and Expenditure Plan were created, or should a project not require all funds programmed for that project or have excess funding, funding set forth at project termination will be reallocated to another project or program of the same type or otherwise serving the same objectives.
- B. The Ordinance and Expenditure Plan may only be amended, if required, by the following process set forth in Section 180207 of the Public Utilities Code: (1) Initiation of amendments by the Authority reciting findings of necessity; (2) Provision of notice and a copy of the amendments provided to the Board of Supervisors and the City Councils in Santa Cruz County; (3) The proposed amendments shall become effective 45 days after notice is given. Amendments shall require a two-thirds (2/3) vote of the total membership of the Authority.

**Section 26. MAINTENANCE OF EFFORT.** Pursuant to California Public Utilities Code 180001(e), it is the intent of this Ordinance that funds generated by the Transportation Tax be used to supplement and not replace existing revenues used for transportation purposes. Existing funds, revenues and other resources being used for transportation purposes include but are not limited to federal and state funding, the collection of traffic impact mitigation fees, other local

impact fees, and dedications of property. The funds generated by the Transportation Tax shall not be used to replace existing transportation funding or to replace requirements for new development to provide for its own transportation needs. The entities receiving Measure Revenues shall maintain their existing commitment of discretionary local transportation-related expenditures for transportation purposes pursuant to this ordinance, and the Authority shall enforce this Section by appropriate actions, including fiscal audits of the local agencies.

**Section 27. 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 28. ANNUAL APPROPRIATIONS LIMIT.** The annual appropriations limit of the Authority pursuant to Section 4 of Article XIII B of the California Constitution and Section 180202 of the Public Utilities Code shall be established at a sum equal to the amount of all proceeds of the Transportation Tax collected annually, and as defined by said Article XIII B. The appropriations limit shall be subject to adjustment as provided by law.

**Section 29. SEVERABILITY.** If any provision of this ordinance or the application thereof to any person or circumstance is held invalid or unenforceable by a court of competent jurisdiction, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby, and the Authority declares that it would have passed each part of this Ordinance irrespective of the validity of any other part.

**Section 30. CAPTIONS.** 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 31. ENVIRONMENTAL.** 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. Approval of this Ordinance and Expenditure Plan does not commit to implementation of any specific project or activity listed herein. Prior to commencement of any specific project or activity identified in the Expenditure Plan, applicable provisions of the California Environmental Quality Act (CEQA) shall be completed.

**Section 32. TAXPAYER SAFEGUARDS, AUDITS, AND ACCOUNTABILITY.** Accountability is of utmost importance in delivering public investments with public dollars. In order to ensure accountability, transparency and public oversight of all funds collected and allocated under this Measure and to comply with state law, all of the following shall apply:

**A. Annual Report.** Each agency receiving Measure Revenue shall annually adopt, after holding a public hearing, an annual report which includes 1) a five-year program of projects including information about each of the projects to be funded with Measure Revenues allocated according to the Expenditure Plan. Local and regional agencies shall submit their program of projects to the Authority in a format that can be easily understood by members of

the public. 2) Description of expenditures of Measure Revenues from the most recently completed fiscal year. The purpose of requiring the most recently completed fiscal year expenditures is to allow the Authority to prepare a comprehensive report to the public on the expenditure of funds generated by this Ordinance.

**B. Annual Audit.** No less than annually, an independent annual audit shall be conducted of the expenditure of all funds generated by the transportation tax. The audit, which shall be made available to the public, shall report on evidence that the expenditure of funds is in accordance with this Plan as adopted by the voters in approving the Ordinance on November 8, 2016. The Authority will also prepare a publicly available annual report on past and upcoming activities and publish an annual financial statement.

**C. Independent Oversight Committee.** An Independent Oversight Committee shall be formed by the Board of Directors of the Authority to review the annual independent fiscal audit of the expenditure of the Transportation Tax funds and issue an annual report on its findings regarding compliance with the requirements of the Expenditure Plan and the Ordinance to the Authority Board of Directors. The total membership of the Independent Oversight Committee shall not exceed five (5) members and any vacancy which may occur from time to time shall be filled by the Board of Directors of the Authority as soon as reasonably possible.

Members of the Independent Oversight Committee shall be residents of Santa Cruz County who are neither elected officials of any government, nor employees from any agency or organization that either oversees or implements projects funded from the proceeds of the sales tax. Members will fairly represent the geographical, social, cultural, and economic diversity of Santa Cruz County to ensure maximum benefit for transportation users. The Committee shall include at least one person with an accounting or fiscal management background.

Independent Oversight Committee meetings will be announced in advance and will be open to the general public. The Independent Oversight Committee shall meet at least once but no more than four times per year.

The responsibilities of this Committee include:

- Reviewing Expenditure Plan expenditures on an annual basis to ensure they conform to the Ordinance.
- Reviewing the annual audit and report prepared by an independent auditor, describing how funds were spent.
- Produce a publicly available Annual Report of Oversight Activities.

**D.** Decisions regarding implementation of this Ordinance will be made by the Authority in public meetings, subject to the Brown Act.

**Section 33. EFFECTIVE DATE.** This Ordinance relates to the levying and collecting of the retail transactions and use tax and shall take effect immediately, subject only to the Operative Date set forth in this Ordinance.

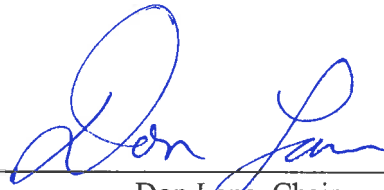
**Section 34. TERMINATION DATE.** The authority to levy the tax imposed by this Ordinance shall expire thirty (30) years from the Operative Date of this ordinance (with the last operative date anticipated to be March 31, 2047).

The foregoing Ordinance was PASSED AND ADOPTED by the Santa Cruz County Regional Transportation Commission (SCCRTC), on June 16, 2016, by the following vote:

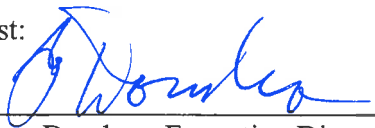
AYES: Don Lane, John Leopold, Ryan Coonerty, Ed Bottorff, Karina Cervantez, Cynthia Chase, Jimmy Dutra, Dennis Norton, Bruce McPherson

NOES: Randy Johnson, Greg Caput

ABSENT: Zach Friend

  
\_\_\_\_\_  
Don Lane, Chair

Attest:

  
\_\_\_\_\_  
George Dondero, Executive Director

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**Exhibit A:**  
**Santa Cruz County**  
**2016 Transportation Improvement Plan - Expenditure Plan**  
*- Approved by the RTC board on June 16, 2016-*

**Overview**

The 2016 Transportation Improvement Plan (TRIP) - Expenditure Plan for Santa Cruz County provides a balanced vision to improve, operate and maintain Santa Cruz County's transportation network. The plan will provide safer routes to schools for local students; maintain mobility and independence for seniors and those with disabilities; invest in bicycle and pedestrian pathways and bridges on an unprecedented scale; repave roadways, repair potholes and improve safety on local streets; ease congestion on major roadways; and invest in transportation projects that reduce the pollution that causes global warming.

<b>SUMMARY OF TRANSPORTATION INVESTMENTS</b>	<b>% of Funds</b>
<b>Neighborhood Projects</b>	<b>30%</b>
<b>Direct Allocation to Cities and County</b>	
Local roadway pavement repair and operational improvements, school and neighborhood traffic safety projects, bicycle and pedestrian projects	
<b>San Lorenzo Valley Hwy 9 Corridor Improvements</b> - \$10 million	
<b>Highway 17 Wildlife Crossing</b> - \$5 million	
<b>Highway Corridors</b>	<b>25%</b>
<b>Highway 1 Corridor</b>	
Auxiliary lanes that separate entering and exiting traffic from through lanes to improve traffic flow and safety: 41st Ave-Soquel Dr; Bay/Porter-Park; State Park-Park	
Bicycle and pedestrian over-crossings	
<b>Traveler Information and Transportation Demand Management</b>	
<i>Example Programs:</i> Cruz511, Carpool/Vanpool Programs	
<b>Highway Safety and Congestion Reduction Programs</b>	
<i>Example Programs:</i> Freeway Service Patrol and Safe on 17 Enforcement	
<b>Transit for Seniors and People with Disabilities</b>	<b>20%</b>
<b>Direct Allocation to Service Providers</b>	
Santa Cruz METRO (16%)	
Community Bridges Lift Line Paratransit Service (4%)	
<b>Active Transportation</b>	<b>17%</b>
<b>Monterey Bay Sanctuary Scenic Trail (Coastal Rail Trail)</b>	
Bike and pedestrian trail construction; maintenance, management and drainage of rail and trail corridor; install conduit for internet and electrical services	
<b>Rail Corridor</b>	<b>8%</b>
<b>Infrastructure Preservation and Analysis of Options</b>	
<i>Example Projects:</i> Analysis (including environmental analysis) of both rail transit and non-rail options for the corridor; rail line maintenance and repairs	
<b>Total</b>	<b>100%</b>

## **DESCRIPTION OF PROJECTS AND PROGRAMS TO BE FUNDED**

The Expenditure Plan identifies transportation projects to be funded from a new one-half of one percent transactions and use tax, to be collected for thirty (30) years, if two-thirds of voters approve the ballot measure in 2016. The Expenditure Plan is presented to the voters of Santa Cruz County as a means to address insufficient funding to meet current and projected transportation needs in Santa Cruz County. Given current sales tax receipts, one-half of one percent transaction and use tax is expected to generate \$17 million a year in 2016 dollars, totaling approximately \$500 million for transportation investments. These local funds can be used to leverage state and federal transportation funds that would otherwise be unavailable. The investments described in the Expenditure Plan reflect the best efforts to achieve consensus among varied transportation needs of Santa Cruz County residents.

Three types of investments are funded in the Expenditure Plan: investment categories which are allocated a percentage of net revenues, capital investments which are allocated specific dollar amounts, and ongoing direct allocations of a percentage of net revenues to cities, the County of Santa Cruz, and transit operators for capital projects and operations. The following describes the investments funded by the Santa Cruz County 2016 Transportation Improvement Plan - Expenditure Plan.

### **Neighborhood Projects – 30% per year**

#### **Direct Allocation to Cities and County**

The existing local street and road, bicycle, and pedestrian systems are critical to the everyday movement of people within the county. Much of the local roadway system is aging, has potholes, and is in need of major repair. Continued deferred maintenance will result in an exponential increase in the cost of maintaining the roadway system. Additionally, many sections of the county currently have inadequate facilities for bicyclists and pedestrians to travel safely. Current resources, without generation of new revenues for transportation, cannot provide adequate funding to maintain the local roadway system at the level necessary to adequately serve the public or expand the bicycle and pedestrian system to encourage more users.

Approximately \$135 million (\$4.5 million per year) in Measure Revenues will be allocated to the cities of Capitola, Santa Cruz, Scotts Valley, and Watsonville and the County of Santa Cruz for transportation projects. Projects to be funded with Measure Revenues may include: fixing potholes, local roadway repairs, rehabilitation, reconstruction and intersection improvements; new and improved sidewalks, crosswalks and bicycle lanes and paths, especially near schools; and other transportation projects as necessary for the benefit of residents in those jurisdictions. The County of Santa Cruz and the cities of Capitola, Santa Cruz, Scotts Valley and Watsonville, who are best able to determine their local transportation needs, shall each prepare an annual report through a public process to identify how they plan to spend their share of measure funds and how measure funds were spent in the prior year.

Funds will be distributed at least quarterly to cities and the County of Santa Cruz based on each jurisdiction's proportional share of the countywide population (29%), lane miles of roadway (39%) and site where the Measure Revenue from the transaction and use tax is generated (32%). Population, road mile, and tax site generation figures will be updated each year based on the latest available data.

### **San Lorenzo Valley Highway 9 Corridor**

Ten (\$10) million in Measure Revenues is designated for transportation projects improving travel for residents of San Lorenzo Valley. Example projects may include:

- Safety projects for people walking, biking or driving in the Highway 9 corridor through San Lorenzo Valley
- Projects that provide safe access to schools along or near Highway 9
- Intersection and signal improvements
- Bicycle lanes, paths and/or signage
- Accessible pedestrian crosswalks and sidewalks, including lighting and flashing pedestrian beacons that increase visibility
- Improved access to bus stops and bus service

### **Highway 17 Wildlife Crossing**

Highway 17 is a major connection between the Monterey Bay Region and San Francisco Bay Area. The dense traffic, concrete median barriers, and lack of drainage culverts and/or bridge undercrossings makes Highway 17 a major barrier for wildlife moving through the Santa Cruz Mountains. Mountain lions, bobcats and deer have all been hit trying to cross Highway 17 which also makes it dangerous for the motorists. Five (\$5) million in Measure Revenues will be allocated for construction of a safe passage for wildlife to cross under Highway 17. This project will improve safety for both drivers and wildlife.

### **Highway Corridors – 25%**

Aging highway systems continue to operate under high traffic volumes as population, and thus demand for moving people and goods increases. State highways provide essential mobility for Santa Cruz County residents, businesses, and visitors. The highway corridors are the region's main thoroughfares with Highway 1 carrying over 100,000 people daily. Measure Revenues are needed to improve traffic flow and safety as state and federal formula funds do not fund most highway improvements in Santa Cruz County. Measure Revenues (25% or approximately \$125 million total) will be allocated to Highway 1 and Highway 17 corridor projects to increase the safety and efficiency of these corridors in Santa Cruz County.

### **Highway 1 Corridor**

Highway investments included in the Expenditure Plan, improve traffic flow and safety on Highway 1, especially for South County and Mid-County commuters, small businesses, bus riders and first responders (law enforcement, fire, medical) by adding auxiliary lanes between three interchanges: 41st Ave-Soquel Dr; Bay Ave/Porter St-Park Ave; and State Park Dr-Park Ave. Auxiliary lanes are lower cost highway projects that can improve flow by separating entering or exiting traffic from the through lanes. Approximately 10% of all of the injuries and fatalities in

Santa Cruz County in 2013 occurred between Soquel Dr and Park Ave on Highway 1. Auxiliary lanes can help to improve safety on this high traffic volume corridor.

### **New bridges for cyclists and pedestrians**

Highways can separate neighborhoods and make it harder to ride a bike or walk to access locations of interest. In order to improve bicycle and pedestrian movement between neighborhoods, employment, retail, medical, and recreation sites on either side of Highway 1, Measure Revenues can be used to construct bicycle/pedestrian bridges crossing over Highway 1 including crossings in Live Oak near Chanticleer Avenue and in Aptos/Seacliff near Mar Vista Elementary School. Measure Revenues can also improve bicycle and pedestrian facilities on existing crossings.

### **Traveler Information and Transportation Demand Management**

The efficiency of the existing transportation system can be increased by promoting use of transit, carpooling, vanpooling, as well as bicycling and walking. Transportation demand management strategies can reduce the number of vehicles on our roadways especially during peak periods. Examples of transportation demand management programs that could be funded by this measure include "Cruz511", the traveler information service for Santa Cruz County, and carpool/vanpool programs.

### **Highway Safety and Congestion Reduction Programs**

Improving safety is a primary goal of this measure. Programs that reduce fatal and injury collisions on highways and reduce congestion are also funded by Measure Revenues. Examples of programs that improve safety and reduce congestion are the Safe on 17 Task Force and the Freeway Service Patrol (roving tow trucks that remove stalled or disabled vehicles, debris, and other obstructions that may cause backups).

### **Transportation for Seniors and People with Disabilities – 20% per year**

#### **Direct Allocation to Service Providers**

Seniors and disabled persons make up an increasing percentage of Santa Cruz County's population. For seniors and persons with disabilities, access to healthcare, social services, shopping, and recreation is key to quality of life. A number of specialized transportation programs have been implemented which meet specialized needs for transportation to medical services, social service programs, shopping and other purposes that cannot be met by conventional bus transit. An aging population will require maintenance and expansion of transit and paratransit services for elderly and disabled residents into the future.

Measure Revenues (16% or approximately \$2.75 million per year) will be distributed to Santa Cruz Metropolitan Transit District (METRO) to provide transit and paratransit service for seniors and people with disabilities. Measure Revenues (4% or approximately \$680,000 per year) will be allocated to the Consolidated Transportation Services Agency for Santa Cruz County (Community Bridges-Lift Line) for paratransit service. Paratransit works with social service agencies to increase transportation options for seniors, individuals with disabilities, and persons with low incomes. Funds will be distributed at least quarterly.

## **Active Transportation – 17%**

### **Monterey Bay Sanctuary Scenic Trail (Coastal Rail Trail)**

Measure Revenues (17% or approximately \$85 million total) will be allocated for the Monterey Bay Sanctuary Scenic Trail Network, otherwise known as the Coastal Rail Trail, for people walking and bicycling along the coast in Santa Cruz County. The coastal rail and trail corridor connects Watsonville, Aptos, Capitola, Live Oak, Santa Cruz, and Davenport and links to trails in Monterey County. The trail offers spectacular views of the Monterey Bay, historic trestles, and a flat surface free of automobile traffic. This trail will provide kids, commuters and recreational bicyclists and walkers a safe and enjoyable way to travel. Funds will be used for trail construction, maintenance, operation, management and drainage of the rail and trail corridor and will leverage other state and federal grants for completion of the trail network.

## **Rail Corridor – 8%**

### **Infrastructure Preservation and Analysis of Options**

Eight percent of Measure Revenues (approximately \$40 million total) will be used for preservation of the Rail Corridor infrastructure and analysis of its future potential use to better serve Santa Cruz County residents and visitors. Projects include analysis (including environmental and economic analysis) to answer important community questions about possible future transit and other transportation uses of the corridor through an open, transparent public process; and maintaining and repairing the publicly-owned Santa Cruz Branch Rail Line. The Measure Revenues do not include funding for any new train/rail service. If the Regional Transportation Commission determines that the best use of the corridor is an option other than rail transit, funds may be utilized for other transportation improvements along and near the corridor.

### **Notes**

*(1) Estimated revenues from a ½-cent transaction and use tax are \$17 million per year (in 2016 dollars) for 30 years. The present value (i.e., present day purchasing power) of the Measure Revenues is forecasted to be approximately \$500 Million. The actual revenues to be received over the 30-year life of the tax will be affected by various economic factors, such as inflation and economic growth or decline. The estimated amounts for each category reflect the allocation of approximately \$500 Million. The estimated amounts for each category, divided by \$500 Million, establishes ratios for the allocation among the categories. While total revenues will vary, the net percentages to each investment category will remain constant over the 30-year life of the tax.*

*(2) Percentages are net after costs required for administration, implementation and oversight of the measure -- including annual independent fiscal audits, reports to the public, preparation and implementation of state-mandated reports, oversight committee, and other administration, implementation and oversight responsibilities as may be necessary to administer and implement the Ordinance and the Expenditure Plan. Administrative salaries and benefits shall not exceed 1% of total Measure Revenues.*

*(3) If bonding is used to advance implementation of any of these projects, finance costs will be paid from the percent of funds designated for the associated investment category.*

*(4) It is anticipated that a portion of the total costs of the projects included in the Expenditure Plan will also be funded from federal, state, and local sources, as described in the Regional Transportation Plan (RTP).*

*(5) Outside of the funds to local jurisdictions and transit agencies which will be allocated on an ongoing basis, based on revenues generated, the Santa Cruz County Regional Transportation Commission shall allocate Measure Revenues to all other categories of transportation projects and specific capital projects. Capital investments will be made based upon clearly defined project descriptions and limits resulting from the outcomes of environmental analyses, design engineering, and public input, as applicable.*

*(6) In the event that any agency that is designated funds through the Expenditure Plan is dissolved, the redistribution of funds will be based on the same formulas minus the dissolved agency. New or successor entities that come into existence in Santa Cruz County during the life of the Expenditure Plan, such as incorporation of a new city, merging of agencies, or designation of a new agency as the county Consolidated Transportation Services Agency or transit agency, may be considered as eligible recipients of funds through the amendment process as set forth in the Ordinance.*

**Santa Cruz County**  
**2016 Measure D: Transportation Improvement Expenditure Plan**  
**- Approved by over 2/3 of Santa Cruz County voters on November 8, 2016 -**

**Overview**

Measure D, the 2016 Transportation Improvement Expenditure Plan for Santa Cruz County provides a balanced vision to improve, operate and maintain Santa Cruz County's transportation network. Projects in the Expenditure Plan will provide safer routes to schools for local students; maintain mobility and independence for seniors and those with disabilities; invest in bicycle and pedestrian pathways and bridges on an unprecedented scale; repave roadways, repair potholes and improve safety on local streets; ease congestion on major roadways; and invest in transportation projects that reduce the pollution that causes global warming.

<b>SUMMARY OF TRANSPORTATION INVESTMENTS</b>	<b>% of Funds</b>
<b>Neighborhood Projects</b>	<b>30%</b>
<b>Direct Allocation to Cities and County</b>	
Local roadway pavement repair and operational improvements, school and neighborhood traffic safety projects, bicycle and pedestrian projects	
<b>San Lorenzo Valley Hwy 9 Corridor Improvements - \$10 million</b>	
<b>Highway 17 Wildlife Crossing - \$5 million</b>	
<b>Highway Corridors</b>	<b>25%</b>
<b>Highway 1 Corridor</b>	
Auxiliary lanes that separate entering and exiting traffic from through lanes to improve traffic flow and safety: 41st Ave-Soquel Dr; Bay/Porter-Park; State Park-Park	
Bicycle and pedestrian over-crossings	
<b>Traveler Information and Transportation Demand Management</b>	
<i>Example Programs: Cruz511, Carpool/Vanpool Programs</i>	
<b>Highway Safety and Congestion Reduction Programs</b>	
<i>Example Programs: Freeway Service Patrol and Safe on 17 Enforcement</i>	
<b>Transit for Seniors and People with Disabilities</b>	<b>20%</b>
<b>Direct Allocation to Service Providers</b>	
Santa Cruz METRO (16%)	
Community Bridges Lift Line Paratransit Service (4%)	
<b>Active Transportation</b>	<b>17%</b>
<b>Monterey Bay Sanctuary Scenic Trail (Coastal Rail Trail)</b>	
Bike and pedestrian trail construction; maintenance, management and drainage of rail and trail corridor; install conduit for internet and electrical services	
<b>Rail Corridor</b>	<b>8%</b>
<b>Infrastructure Preservation and Analysis of Options</b>	
<i>Example Projects: Analysis (including environmental analysis) of both rail transit and non-rail options for the corridor; rail line maintenance and repairs</i>	
<b>Total</b>	<b>100%</b>

## **DESCRIPTION OF PROJECTS AND PROGRAMS TO BE FUNDED**

The Expenditure Plan identifies transportation projects to be funded from a new one-half of one percent transactions and use tax, to be collected for thirty (30) years, if two-thirds of voters approve the ballot measure in 2016. The Expenditure Plan was approved by the voters of Santa Cruz County as a means to address insufficient funding to meet current and projected transportation needs in Santa Cruz County. Given current sales tax receipts, one-half of one percent transaction and use tax is expected to generate \$17 million a year in 2016 dollars, totaling approximately \$500 million for transportation investments. These local funds can be used to leverage state and federal transportation funds that would otherwise be unavailable. The investments described in the Expenditure Plan reflect the best efforts to achieve consensus among varied transportation needs of Santa Cruz County residents.

Three types of investments are funded in the Expenditure Plan: investment categories which are allocated a percentage of net revenues, capital investments which are allocated specific dollar amounts, and ongoing direct allocations of a percentage of net revenues to cities, the County of Santa Cruz, and transit operators for capital projects and operations. The following describes the investments funded by the 2016 Measure D: Transportation Improvement Expenditure Plan for Santa Cruz County.

### **Neighborhood Projects – 30% per year**

#### **Direct Allocation to Cities and County**

The existing local street and road, bicycle, and pedestrian systems are critical to the everyday movement of people within the county. Much of the local roadway system is aging, has potholes, and is in need of major repair. Continued deferred maintenance will result in an exponential increase in the cost of maintaining the roadway system. Additionally, many sections of the county currently have inadequate facilities for bicyclists and pedestrians to travel safely. Current resources, without generation of new revenues for transportation, cannot provide adequate funding to maintain the local roadway system at the level necessary to adequately serve the public or expand the bicycle and pedestrian system to encourage more users.

Approximately \$135 million (\$4.5 million per year) in Measure Revenues will be allocated to the cities of Capitola, Santa Cruz, Scotts Valley, and Watsonville and the County of Santa Cruz for transportation projects. Projects to be funded with Measure Revenues may include: fixing potholes, local roadway repairs, rehabilitation, reconstruction and intersection improvements; new and improved sidewalks, crosswalks and bicycle lanes and paths, especially near schools; and other transportation projects as necessary for the benefit of residents in those jurisdictions. The County of Santa Cruz and the cities of Capitola, Santa Cruz, Scotts Valley and Watsonville, who are best able to determine their local transportation needs, shall each prepare an annual report through a public process to identify how they plan to spend their share of measure funds and how measure funds were spent in the prior year.



Funds will be distributed at least quarterly to cities and the County of Santa Cruz based on each jurisdiction's proportional share of the countywide population (29%), lane miles of roadway (39%) and site where the Measure Revenue from the transaction and use tax is generated (32%). Population, road mile, and tax site generation figures will be updated each year based on the latest available data.

### **San Lorenzo Valley Highway 9 Corridor**

Ten (\$10) million in Measure Revenues is designated for transportation projects improving travel for residents of San Lorenzo Valley. Example projects may include:

- Safety projects for people walking, biking or driving in the Highway 9 corridor through San Lorenzo Valley
- Projects that provide safe access to schools along or near Highway 9
- Intersection and signal improvements
- Bicycle lanes, paths and/or signage
- Accessible pedestrian crosswalks and sidewalks, including lighting and flashing pedestrian beacons that increase visibility
- Improved access to bus stops and bus service

### **Highway 17 Wildlife Crossing**

Highway 17 is a major connection between the Monterey Bay Region and San Francisco Bay Area. The dense traffic, concrete median barriers, and lack of drainage culverts and/or bridge undercrossings makes Highway 17 a major barrier for wildlife moving through the Santa Cruz Mountains. Mountain lions, bobcats and deer have all been hit trying to cross Highway 17 which also makes it dangerous for the motorists. Five (\$5) million in Measure Revenues will be allocated for construction of a safe passage for wildlife to cross under Highway 17. This project will improve safety for both drivers and wildlife.

### **Highway Corridors – 25%**

Aging highway systems continue to operate under high traffic volumes as population, and thus demand for moving people and goods increases. State highways provide essential mobility for Santa Cruz County residents, businesses, and visitors. The highway corridors are the region's main thoroughfares with Highway 1 carrying over 100,000 people daily. Measure Revenues are needed to improve traffic flow and safety as state and federal formula funds do not fund most highway improvements in Santa Cruz County. Measure Revenues (25% or approximately \$125 million total) will be allocated to Highway 1 and Highway 17 corridor projects to increase the safety and efficiency of these corridors in Santa Cruz County.

### **Highway 1 Corridor**

Highway investments included in the Expenditure Plan, improve traffic flow and safety on Highway 1, especially for South County and Mid-County commuters, small businesses, bus riders and first responders (law enforcement, fire, medical) by adding auxiliary lanes between three interchanges: 41st Ave-Soquel Dr; Bay Ave/Porter St-Park Ave; and State Park Dr-Park Ave. Auxiliary lanes are lower cost highway projects that can improve flow by separating entering or exiting traffic from the through lanes. Approximately 10% of all of the injuries and fatalities in

Santa Cruz County in 2013 occurred between Soquel Dr and Park Ave on Highway 1. Auxiliary lanes can help to improve safety on this high traffic volume corridor.

### **New bridges for cyclists and pedestrians**

Highways can separate neighborhoods and make it harder to ride a bike or walk to access locations of interest. In order to improve bicycle and pedestrian movement between neighborhoods, employment, retail, medical, and recreation sites on either side of Highway 1, Measure Revenues can be used to construct bicycle/pedestrian bridges crossing over Highway 1 including crossings in Live Oak near Chanticleer Avenue and in Aptos/Seacliff near Mar Vista Elementary School. Measure Revenues can also improve bicycle and pedestrian facilities on existing crossings.

### **Traveler Information and Transportation Demand Management**

The efficiency of the existing transportation system can be increased by promoting use of transit, carpooling, vanpooling, as well as bicycling and walking.

Transportation demand management strategies can reduce the number of vehicles on our roadways especially during peak periods. Examples of transportation demand management programs that could be funded by this measure include "Cruz511", the traveler information service for Santa Cruz County, and carpool/vanpool programs.

### **Highway Safety and Congestion Reduction Programs**

Improving safety is a primary goal of this measure. Programs that reduce fatal and injury collisions on highways and reduce congestion are also funded by Measure Revenues. Examples of programs that improve safety and reduce congestion are the Safe on 17 Task Force and the Freeway Service Patrol (roving tow trucks that remove stalled or disabled vehicles, debris, and other obstructions that may cause backups).

### **Transportation for Seniors and People with Disabilities – 20% per year**

#### **Direct Allocation to Service Providers**

Seniors and disabled persons make up an increasing percentage of Santa Cruz County's population. For seniors and persons with disabilities, access to healthcare, social services, shopping, and recreation is key to quality of life. A number of specialized transportation programs have been implemented which meet specialized needs for transportation to medical services, social service programs, shopping and other purposes that cannot be met by conventional bus transit. An aging population will require maintenance and expansion of transit and paratransit services for elderly and disabled residents into the future.

Measure Revenues (16% or approximately \$2.75 million per year) will be distributed to Santa Cruz Metropolitan Transit District (METRO) to provide transit and paratransit service for seniors and people with disabilities. Measure Revenues (4% or approximately \$680,000 per year) will be allocated to the Consolidated Transportation Services Agency for Santa Cruz County (Community Bridges-Lift Line) for paratransit service. Paratransit works with social service agencies to increase transportation options for seniors, individuals with disabilities, and persons with low incomes. Funds will be distributed at least quarterly.

## **Active Transportation – 17%**

### **Monterey Bay Sanctuary Scenic Trail (Coastal Rail Trail)**

Measure Revenues (17% or approximately \$85 million total) will be allocated for the Monterey Bay Sanctuary Scenic Trail Network, otherwise known as the Coastal Rail Trail, for people walking and bicycling along the coast in Santa Cruz County. The coastal rail and trail corridor connects Watsonville, Aptos, Capitola, Live Oak, Santa Cruz, and Davenport and links to trails in Monterey County. The trail offers spectacular views of the Monterey Bay, historic trestles, and a flat surface free of automobile traffic. This trail will provide kids, commuters and recreational bicyclists and walkers a safe and enjoyable way to travel. Funds will be used for trail construction, maintenance, operation, management and drainage of the rail and trail corridor and will leverage other state and federal grants for completion of the trail network.

## **Rail Corridor – 8%**

### **Infrastructure Preservation and Analysis of Options**

Eight percent of Measure Revenues (approximately \$40 million total) will be used for preservation of the Rail Corridor infrastructure and analysis of its future potential use to better serve Santa Cruz County residents and visitors. Projects include analysis (including environmental and economic analysis) to answer important community questions about possible future transit and other transportation uses of the corridor through an open, transparent public process; and maintaining and repairing the publicly-owned Santa Cruz Branch Rail Line. The Measure Revenues do not include funding for any new train/rail service. If the Regional Transportation Commission determines that the best use of the corridor is an option other than rail transit, funds may be utilized for other transportation improvements along and near the corridor.

## **Notes**

*(1) Estimated revenues from a ½-cent transaction and use tax are \$17 million per year (in 2016 dollars) for 30 years. The present value (i.e., present day purchasing power) of the Measure Revenues is forecasted to be approximately \$500 Million. The actual revenues to be received over the 30-year life of the tax will be affected by various economic factors, such as inflation and economic growth or decline. The estimated amounts for each category reflect the allocation of approximately \$500 Million. The estimated amounts for each category, divided by \$500 Million, establishes ratios for the allocation among the categories. While total revenues will vary, the net percentages to each investment category will remain constant over the 30-year life of the tax.*

*(2) Percentages are net after costs required for administration, implementation and oversight of the measure -- including annual independent fiscal audits, reports to the public, preparation and implementation of state-mandated reports, oversight committee, and other administration, implementation and oversight responsibilities as may be necessary to administer and implement the Ordinance and the Expenditure Plan. Administrative salaries and benefits shall not exceed 1% of total Measure Revenues.*

*(3) If bonding is used to advance implementation of any of these projects, finance costs will be paid from the percent of funds designated for the associated investment category.*

*(4) It is anticipated that a portion of the total costs of the projects included in the Expenditure Plan will also be funded from federal, state, and local sources, as described in the Regional Transportation Plan (RTP).*

*(5) Outside of the funds to local jurisdictions and transit agencies which will be allocated on an ongoing basis, based on revenues generated, the Santa Cruz County Regional Transportation Commission shall allocate Measure Revenues to all other categories of transportation projects and specific capital projects. Capital investments will be made based upon clearly defined project descriptions and limits resulting from the outcomes of environmental analyses, design engineering, and public input, as applicable.*

*(6) In the event that any agency that is designated funds through the Expenditure Plan is dissolved, the redistribution of funds will be based on the same formulas minus the dissolved agency. New or successor entities that come into existence in Santa Cruz County during the life of the Expenditure Plan, such as incorporation of a new city, merging of agencies, or designation of a new agency as the county Consolidated Transportation Services Agency or transit agency, may be considered as eligible recipients of funds through the amendment process as set forth in the Ordinance.*

Lead Agency:



[Santa Cruz County Regional Transportation Commission](http://www.sccrtc.org)

[www.sccrtc.org](http://www.sccrtc.org)

831.460.3210

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**TO:** Measure D Taxpayer Oversight Committee

**FROM:** Rachel Moriconi, Senior Transportation Planner

**RE:** Measure D: Five-Year Programs of Projects for Regional Projects

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## **RECOMMENDATIONS**

This item is for information only.

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## **BACKGROUND**

Each agency receiving Measure D revenues is required to annually develop, update, hold a public hearing on, and adopt a five-year program of projects showing how they plan to use Measure D funds in the upcoming 5 years. Agencies receiving direct formula allocations (cities, the County of Santa Cruz, Santa Cruz Metropolitan Transit District (METRO) and Community Bridges/Lift Line) typically develop their five-year programs of projects as part of their annual budget and/or capital improvement program. Community members provide input on those plans directly to each recipient agency.

The Regional Transportation Commission (RTC) is responsible for developing the five-year program of projects for regional projects, as described below. The RTC adopted the most recent five-year plans for Measure D regional projects following a public hearing at its June 2018 meeting.

## **DISCUSSION**

The FY18/19-22/23 five-year plans for each of the Measure D regional transportation categories are attached -- Highway Corridor, Active Transportation/Trail Program, Rail Corridor, San Lorenzo Valley/Highway 9 Corridor, and the Highway 17 Wildlife Crossing. They shown planned allocations to specific projects within regional Expenditure Plan categories, based on estimated project schedules, and the carryover of unspent revenues from prior years. Some funds are reserved for allocation in future years, to cover anticipated future expenditures or potential cost increases, or to serve as match for competitive grant programs, to be used in the event those grants are not secured. The 5-year plans also propose to advance future Measure D funds in order to accelerate delivery of some projects, as described below. The 5-year programs of projects are preliminary plans for years 2-5, and are adjusted annually based on updated project schedule, cost, grant, and revenue information.

The RTC's budget is amended to reflect funding approved in the first year of the five-year plans for specific projects and programs. The RTC enters into agreements, as necessary, with implementing agencies that may receive Measure D funds from these regional categories. Attachment 2 provides a summary of the proposed 5-year plans for each regional project/investment category.

#### Accelerating project delivery

While "pay-as-you-go" financing is the preferred method of financing Measure D projects, the RTC may determine bonding or other financing is cost-effective to accelerate regional project implementation. Use of bonding, loans between Measure D categories, or other financing options will depend on project delivery schedules, funding needs, matching fund opportunities, and cash flow estimates. Direct recipients (cities, the County of Santa Cruz, METRO and LiftLine) may not bond against Measure D revenues directly, but could access options such as cooperative fund agreements among agencies receiving Measure D funds, or other means to advance funding for projects as they near construction. As projects near construction in future years, the RTC will consider financial options to accelerate specific projects. The five year plans reflect the RTC's intent to investigate these options for some projects, but are not a commitment to bond or otherwise finance projects.

#### **SUMMARY**

Measure D requires recipient agencies to annually prepare and update a five-year program of projects identifying how agencies plan to invest Measure D revenues, consistent with the voter-approved Expenditure Plan. The five-year plans for each of the regional transportation categories -- Highway Corridors, Active Transportation, and the Rail Corridor, as well as San Lorenzo Valley Highway 9 Corridor Improvements, and the Highway 17 Wildlife Crossing are attached.

#### Attachments:

1. Measure D 5-year programs of projects
  - a. Highway Corridors 5-Year Program of Projects
  - b. Monterey Bay Sanctuary Scenic Trail Network (MBSST)/Coastal Rail Trail 5-Year Program of Projects
  - c. Rail Corridor 5-Year Program of Projects
  - d. San Lorenzo Valley Highway 9 Corridor 5-Year Program of Projects
  - e. Highway 17 Wildlife Crossing 5-Year Program of Projects
  - f. Community Bridges Lift Line Five-Year Program of Projects
2. Summary of Measure D Regional Categories

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## Measure D: 5-Year Program of Projects (FY18/19-FY22/23)

Approved June 14, 2018

## Category: Highway Corridors (25% of Measure D Revenues)

## Measure D Revenues

	Prior	FY18/19	FY19/20	FY20/21	FY21/22	FY22/23
Estimated Annual Measure D Allocations	\$5,022,242	\$4,854,176	\$4,917,281	\$4,981,205	\$5,045,961	\$5,111,558
Estimated Carryover from Previous Year		\$4,847,242	\$5,176,418	\$8,668,699	\$664,904	\$25,865
Total Available		\$9,701,418	\$10,093,699	\$13,649,904	\$5,710,865	\$5,137,423

		Planned Use							Total Measure D	2018 Updates
	Name/Road/Limits	Description	Prior Years	FY18/19	FY19/20	FY20/21	FY21/22	FY22/23		
1	Highway 1: 41 st Avenue/Soquel Drive Auxiliary Lanes and Chanticleer Bike/Pedestrian Overcrossing <sup>(1)</sup>	Freeway operational improvement, rehab roadway and drainage, improve bicycle/pedestrian access over freeway.	\$0	\$1,500,000	\$500,000	\$12,000,000	Balance of construction cost if grants not awarded		\$14-28M	Shift some funds from FY20/21 to earlier in order to advance design and right-of-way. Total will depend on grants received.
2	Highway 1: Auxiliary Lanes from State Park Drive to Bay-Porter, and Reconstruction of Capitola Avenue Overcrossing <sup>(2)</sup>	Freeway operational improvement, rehab roadway and drainage, soundwalls and retaining walls, reconstruct Capitola Ave. overcrossing with sidewalks and bike lane	\$0	\$2,600,000	\$500,000	\$500,000	\$3,200,000	\$4,600,000	\$11,400,000	Combine Park Av/Bay-Porter and State Park/Park Av. Aux Lanes projects. Shift some funds from FY20/21 to earlier in order to advance environmental review and design.
3	Highway 1 Bicycle/Pedestrian Overcrossing at Mar Vista Drive <sup>(3)</sup>	Address restricted bike/ped access by building new overcrossing with lighting, traffic calming, and moderate aesthetic treatments	\$0			---	\$2,000,000		\$2,000,000	Funds shifted to FY21/22 based on current schedule.
4	Cruz 511	Ongoing system & demand management (TDM), includes Cruz511.org traveler information, carpool and other TDM programs	\$50,000	\$150,000	\$150,000	\$200,000	\$200,000	\$200,000	\$950,000	Funds for FY22/23 added
5	Safe on 17	Ongoing system management program, involves increased CHP enforcement on Highway 17	\$25,000	\$25,000	\$25,000	\$35,000	\$35,000	\$35,000	\$180,000	Funds for FY22/23 added
6	Freeway Service Patrol <sup>(4)</sup>	Ongoing system management and congestion reducing program. Roving tow trucks removing incidents and obstructions during peak travel periods on Hwy 1 and Hwy 17	\$100,000	\$250,000	\$250,000	\$250,000	\$250,000	\$250,000	\$1,350,000	Funds for FY22/23 added
Estimated Annual Measure D Expenditures			\$175,000	\$4,525,000	\$1,425,000	\$12,985,000	\$5,685,000	\$5,085,000	\$29,880,000	
Carry over to next fiscal year			\$4,847,242	\$5,176,418	\$8,668,699	\$664,904	\$25,865	\$52,423		

## Notes:

- Hwy 1 41st/Soquel Aux Lane and Chanticleer B/P Overcrossing:** Previously programmed funds used for preliminary and final engineering design and right-of-way phases over the period FY 17/18-through-FY 19/20. Measure D funds for capital construction and construction management activities. RTC will seek grants or could decide at future date whether to utilize bond or other financing that may be required in years 4 and 5 to accelerate delivery.
- Hwy 1 Auxiliary Lanes from State Park Drive to Bay/Porter Project:** Measure D funding for preliminary design and environmental documentation (FY 18/19 - FY 20/21) and final engineering and right-of-way acquisition (FY 21/22).
- Mar Vista Bicycle/Pedestrian Overcrossing:** Previously programmed funds used for project development and construction activities. Measure D funds (\$2M) to supplement construction and construction support activities as needed.
- Freeway Service Patrol:** through the State budget more Caltrans funds may become available reducing the need for Measure D funds

# Measure D: 5-Year Program of Projects (FY18/19-FY22/23)

Approved June 14, 2018

Category: Active Transportaiton/MBSST-Rail Trail (17% of Measure D Revenues)

## Measure D Revenues

	Prior	FY18/19	FY19/20	FY20/21	FY21/22	FY22/23
Estimated Annual Measure D Allocations	\$3,415,114	\$3,300,840	\$3,343,751	\$3,387,220	\$3,431,253	\$3,475,860
Est. carryover from prior year balance		\$2,290,864	\$2,547,454	\$4,831,955	\$1,219,680	\$3,650,683
Total Available		\$5,591,704	\$5,891,205	\$8,219,175	\$4,650,933	\$7,126,543

			Planned Use						Total Measure D	2018 Updates
	Rail Trail Project/Program	Description	Prior Years	FY18/19	FY19/20	FY20/21	FY21/22	FY22/23		
1	Segment 7: Natural Bridges to Wharf, City of Santa Cruz (SC)	Construction of trail. Includes \$1.1M to city of SC for contruction and funds for RTC oversight and technical assistance	\$100,000	\$1,205,000	\$40,000	\$0	\$0	\$0	\$1,345,000	Shift capital funds from FY17/18 to FY18/19, based on updated schedule. Update RTC and technical assistance costs
2	Seg 8: San Lorenzo River parkway trestle widening, City of Santa Cruz	Widening of existing walkway on the existing railroad bridge over San Lorenzo River near Boardwalk to serve multi-use purposes. \$500k to city of SC for contruction. Balance for RTC project management and technical assistance/services.	\$5,000	\$505,000	\$5,000	\$0	\$0	\$0	\$515,000	Shift funds from FY17/18 to FY18/19, based on updated schedule. Incorporate RTC oversight and technical assistance costs.
3	Seg 8/9: San Lorenzo River parkway to 17th Ave., City of SC lead	\$2M set aside to serve as match for construction grants. Joint project with County. Balance for RTC project management, oversight, outreach, and technical assistance.	\$0	\$0	\$40,000	\$2,040,000	\$40,000	\$0	\$2,120,000	Incorporate RTC oversight and technical assistance costs.
4	City of SC trail maintenance and operations	Ongoing maintenance of sections of trail once constructed. Includes restriping, sweeping, vegetation management and periodic repaving.	\$0	\$0	\$25,000	\$50,000	\$50,000	\$50,000	\$175,000	City of Santa Cruz requests to increase from \$20K to \$50k/yr based on required enviro monitoring, plus adds FY22/23 funds
5	Segment 18: Lee Rd-Walker, Watsonville	\$150k to City of Watsonville for trail construction. Balance for RTC project management and technical assistance/services	\$20,000	\$225,000	\$20,000	\$0	\$0	\$0	\$265,000	Shift funds from FY17/18 to FY18/19 based on updated schedule. Incorporate RTC oversight and technical assistance costs.



	Rail Trail Project/Program	Description	Prior Years	FY18/19	FY19/20	FY20/21	FY21/22	FY22/23	Total Measure D	2018 Updates
6	City of Watsonville trail maintenance and operations	Ongoing maintenance of sections of trail once constructed. Includes restriping, sweeping, vegetation management and periodic repaving.	\$0	\$0	Postponed	\$10,000	\$11,000	\$11,000	\$32,000	Add funds for FY22/23 maintenance
7	North Coast Segment 5	Environmental review and design of north coast section of trail, tehcnical assistance, and project management	\$380,000	\$410,000	\$160,000	\$160,000	\$0	\$0	\$1,110,000	Shift funds to match current schedule and incorporate RTC oversight and technical assistance costs.
8	North Coast trail maintenance and operations	Ongoing maintenance of sections of trail once constructed. Includes restriping, sweeping, vegetation management and periodic repaving.	\$0	\$0	---	\$50,000	\$100,000	\$125,000	\$275,000	Add funds for FY22/23 maintenance. Shift maintenance funds FY20/21 and later years.
9	North Coast: Reserve to match future grants for unfunded 2 mi.	Funds set aside to service as match when seeking future grant application.	---	---	---	\$3,690,245	-	-	\$3,690,245	Shift funds to FY20/21, based on updated schedule.
10	<u>Segment 10: Preliminary Analysis of 17th Ave-47th Ave/Jade St. Park</u>	\$200k for preliminary design, right of way research/surveys, assessments, and grant writing services. \$20k/yr for RTC oversight and technical assistance. Likely a joint County DPW-Capitola project.	\$0	\$0	\$0	\$220,000	\$20,000	\$20,000	\$260,000	NEW: Add funds to begin work on this section in high density area. Includes RTC oversight and technical assistance.
11	<u>Capitola Trail: City Hall to Monterey Ave</u>	RTC oversight and technical assistance.	\$0	\$15,000	\$15,000	\$0	\$0	\$0	\$30,000	NEW: Add funds for oversight and assistance on this section.
12	Ongoing RTC oversight, coordination, and assistance, including on development of future trail sections.	Surveys, Environmental Health (EHS), attorneys, coordination, response to public comments, and development of future grant applications	\$100,000	\$165,000	\$235,000	\$260,000	\$260,000	\$260,000	\$1,280,000	Some costs shifted into specific sections of trail. Add funds for ongoing work in FY22/23
13	Corridor encroachments & maintenance	Ongoing corridor maintenance, including vegetation, tree removal, trash, graffiti, drainage, encroachments, storm damage repairs outside of what is required for railroad operations	\$519,250	\$519,250	\$519,250	\$519,250	\$519,250	\$519,250	\$3,115,500	Add funds for ongoing work in FY22/23
Estimated Annual Measure D Expenditures			\$1,124,250	\$3,044,250	\$1,059,250	\$6,999,495	\$1,000,250	\$985,250	\$14,212,745	
RESERVE: Unappropriated balances to be programmed in future 5-year plans (after 2018)									\$6,141,293	Unappropriated amount increased by \$4M.

2018 Update: For all projects capital, project management, oversight, and technical assistance costs were combined

# Measure D: 5-Year Program of Projects (FY18/19-FY22/23)

Approved June 14, 2018

## Category: Rail Corridor (8% of Measure D Revenues)

### Measure D Revenues

	Prior	FY18/19	FY19/20	FY20/21	FY21/22	FY22/23
Estimated Annual Measure D Allocations	\$1,607,117	\$1,553,336	\$1,573,530	\$1,593,986	\$1,614,707	\$1,635,699
Estimated Carryover from Previous Year		\$1,296,617	\$512,367	\$371,196	\$398,341	\$394,038
Total Available		\$2,849,953	\$2,085,897	\$1,965,182	\$2,013,048	\$2,029,737

			Planned Use						Total Measure D	2018 Updates
	Name/Road/Limits	Description	Prior Years	FY18/19	FY19/20	FY20/21	FY21/22	FY22/23		
1	Unified Corridor Investment Study	Analysis of rail corridor usage options	\$300,000	\$325,000					\$625,000	Carryover FY17/18 unspent funds to FY18/19.
2	2017 Storm Damage Repair & Cleanup	Repair and cleanup of damage resulting from the 2017 winter storms including one washout, minor slides and various downed or compromised trees	\$150,000	\$250,000					\$400,000	Carryover FY17/18 unspent funds to FY18/19.
3	Railroad Bridge analysis	Updated engineering analysis of railroad bridges to complete bridge rehabilitation work outlined in engineering analysis completed in 2012	\$150,000	\$300,000					\$450,000	Add \$100k, carryover unspent FY17/18 funds to FY18/19
3a	Capitola Trestle Railroad Bridge analysis	Analysis of feasibility for building a trail on the bridge through Capitola Village and over Soquel Creek.		\$50,000					\$50,000	Add up to \$50k for this analysis, to possibly be done as part of the overall RR Bridge analysis.
4	Railroad Bridge Rehabilitation	Rehabilitation of railroad bridges consistent with analysis completed in 2012 and updated analysis proposed for 2018		\$1,150,000	\$800,000	\$250,000			\$2,200,000	Carryover unspent FY17/18 funds and respread to reflect current schedule
5	Track infrastructure and signage maintenance and repairs	On-going maintenance, repair and rehabilitation of railroad track infrastructure and signage	\$60,500	\$262,587	\$164,700	\$166,841	\$169,010	\$171,207	\$994,845	Carryover unspent FY17/18 funds and add FY22/23 estimates
6	Rail Transit or Other Projects Environmental Document	Preparation of environmental documents for projects on rail corridor resulting from the Unified Corridor Study			\$750,000	\$1,150,000	\$1,450,000	\$650,000	\$4,000,000	Update to reflect current schedule and cost estimate.
Estimated Annual Measure D Expenditures			\$660,500	\$2,337,587	\$1,714,700	\$1,566,841	\$1,619,010	\$821,207	\$8,719,845	
Carry over to next fiscal year			\$946,617	\$512,367	\$371,196	\$398,341	\$394,038	\$1,208,530		

### Measure D: 5-Year Program of Projects (FY18/19-FY22/23)

Approved June 14, 2018

Category: **Neighborhood Projects: San Lorenzo Valley (SLV)/Highway 9 Corridor (\$10 million over 30 years)**

#### Measure D Revenues

	Prior	FY18/19	FY19/20	FY20/21	FY21/22	FY22/23
Estimated Annual Measure D Allocations	\$347,222	\$333,333	\$333,333	\$333,333	\$333,333	\$333,333
Estimated Carryover from Previous Year		\$347,222	\$380,556	\$713,889	\$547,222	\$880,556
Total Available		\$680,556	\$713,889	\$1,047,222	\$880,556	\$1,213,889

#### Planned Use

	Name/Road/Limits	Description	Prior Years	FY18/19	FY19/20	FY20/21	FY21/22	FY22/23	Total Measure D	2018 Updates
1	San Lorenzo Valley (SLV) Safe Routes to Schools sidewalk (SR 9: SLVHS entrance south to at least Fall Creek Rd)- Preconstruction & ATP grant match	Bike/Ped Pathway & transit stop	\$0	<u>\$250,000</u>		<u>\$500,000</u>			\$750,000	Shift FY17/18 funds to FY18/19. Add funds to match grant requests
2	Hwy 9/SLV Corridor Plan - Completion of plan	Identify priorities for limited funds	\$0	<u>\$50,000</u>					\$50,000	Additional work needed to reflect public input
3	Estimated Annual Measure D Expenditures		\$0	\$300,000	\$0	\$500,000	\$0	\$0		
4	Reserve for priorities in Highway 9/SLV Corridor Plan	Exact projects TBD. Use as match to leverage grants	\$347,222	\$380,556	\$713,889	\$547,222	\$880,556	\$1,213,889		

# Measure D: 5-Year Program of Projects (FY18/19-FY22/23)

Approved June 14, 2018

Category: **Highway 17 Wildlife Corridor (\$5 million over 30 years)**

## Measure D Revenues

	Prior	FY18/19	FY19/20	FY20/21	FY21/22	FY22/23	Future
Estimated Annual Measure D Allocations	\$166,667	\$166,667	\$166,667	\$166,667	\$166,667	\$166,667	\$4,000,000
Estimated Carryover from Previous Year		\$166,667	\$318,333	\$470,000	\$621,667	(\$1,226,667)	
Total Available		\$333,333	\$485,000	\$636,667	\$788,333	(\$1,060,000)	

		Planned Use							Total Measure D	2018 Updates
	Name/Road/Limits	Description	Prior Years	FY18/19	FY19/20	FY20/21	FY21/22*	FY22/23*		
1	Highway 17 Wildlife Crossing near Laurel Curve	Construct wildlife undercrossing to connect habitat on either side of the highway. Creates a wildlife corridor enabling animals to safely cross the highway.	\$0	\$15,000	\$15,000	\$15,000	\$2,015,000	\$2,015,000	\$925,000	\$5,000,000
										Include placeholder for financing to advance project delivery. Includes \$15,000 per year for RTC staff time associated with oversight, agreements, financing, coordination, and public engagement.
Estimated Annual Measure D Expenditures			\$0	\$15,000	\$15,000	\$15,000	\$2,015,000	\$2,015,000		
Carryover Balance - RESERVE for construction			\$166,667	\$318,333	\$470,000	\$621,667	(\$1,226,667)	(\$3,075,000)		

\*At a future date, RTC will evaluate financing options to advance delivery, since full \$5M committed in Measure D will not be available until end of 30 year measure.

\*\*Total cost includes pre-construction funded through Caltrans SHOPP - \$3.1M. Land Trust has committed private funds for some of construction costs. Actual cost will depend on final design, bids and any claims.

**Summary Measure D Regional Categories 5-Year Plans**

*Measure D is a 30 year transportation sales tax approved by voters in 2016. The 5-Year Programs of Projects provide an opportunity for the community to provide input on how recipient agencies plan to utilize Measure D revenues in the near term, consistent with the voter-approved Measure D Expenditure Plan.*

**Highway Corridors**

25% of net Measure D revenues are designated for the Highway Corridors category, which includes Highway 1 auxiliary lanes, bicycle and pedestrian overcrossings, traveler information, transportation demand management (TDM), highway safety and congestion reduction programs. The five year program of projects uses some Measure D funds in the first few years on pre-construction phases of capital projects – including auxiliary lanes from 41<sup>st</sup> Avenue to Soquel Avenue and State Park Drive to Bay/Porter interchanges and replacement of the Capitola Avenue overcrossing - and ongoing traveler information and safety programs; as well as construction of auxiliary lanes and bicycle/pedestrian crossings. The RTC is working to accelerate environmental review and design of Highway 1 auxiliary lane projects and increase opportunities to secure other state and federal grant funds to supplement Measure D revenues allocated to these projects, including new grant programs which are funded by Senate Bill 1 gas tax revenues. If grants are not available, staff will return to the RTC to consider financing options to construct projects as quickly as possible.

In summary, deliverables for the Highway Corridor category for the next five years include:

- Highway 1 - 41<sup>st</sup> Ave/Soquel Auxiliary Lanes: Completion of environmental documents by Caltrans, final design, right of way and utility work, then begin construction in 2021.
- Highway 1 – Pedestrian/Bicycle Bridge at Chanticleer: Completion of environmental documents by Caltrans, final design, right of way and utility work, and begin construction in 2021.
- Highway 1 – Pedestrian/Bicycle Bridge at Mar Vista: Begin construction following completion of environmental documents, final design, right of way and utility work.
- Highway 1 – Park Ave/Bay-Porter Auxiliary Lanes: Environmental review, final design, right of way and utility work.
- Highway 1 – State Park Drive/Park Ave Auxiliary Lanes: Environmental review, final design, right of way and utility work.
- Cruz511, Safe on 17, Freeway Service Patrol: Provide ongoing services

**Coastal Rail Trail Program**

17% of net Measure D revenues are designated for the “Active Transportation” category to fund the Monterey Bay Sanctuary Scenic Trail Network (MBSST), also known as the Coastal Rail Trail. As noted in the Measure D Expenditure Plan, this funding will be used for bicycle and pedestrian trail construction; maintenance,

management and drainage for the rail and trail corridor; and possible installation of conduit for internet and electrical services.

The FY18/19-22/23 plan for revenues allocated to the Active Transportation category focuses Measure D funds to trail projects currently under development, ongoing trail development and maintenance of the corridor. The plan includes \$200,000 for preliminary work on Segment 10 from 17<sup>th</sup> Avenue in Live Oak to 47<sup>th</sup> Avenue/Jade Street Park in Capitola, as requested by the County of Santa Cruz and City of Capitola. Funds would go towards preliminary design and right of way research. The plan also includes funds for maintenance of trails once they are constructed. Reserve funds are expected to serve as match to leverage SB 1 - Active Transportation Program, Congested Corridors, and Local Partnership Program grants. It is anticipated that some of the reserve funds may be used on the North Coast trail.

Measure D funds are also used for work tasks related to trail project implementation and program management, including design, preliminary engineering, environmental permitting, as well as public engagement on projects currently under way and for development of the network as a whole. Specific tasks include coordination with local public works departments, stakeholders, State Parks, rail operators, California Public Utilities Commission, Environmental Health Services, consultants and technical experts; right-of-way surveying, encroachments and property rights certifications; grant applications for future projects and complete funding for current projects; studies related to trail implementation or corridor uses; management of all funding sources and contracts; partnership building; presentations to community organizations; event planning and participation. Program management and technical work anticipated for specific segments has been incorporated into each of those lines.

The Active Transportation Measure D category also provides funds for corridor right-of-way encroachments and maintenance, including items such as vegetation abatement, trash and graffiti removal, drainage, storm damage repairs, etc.

In summary, deliverables for the Active Transportation category for the next five years include:

- Segment 5 North Coast rail trail: With the Federal Highway Administration's Central Federal Lands as the lead agency, funding will provide for construction and maintenance/operation of trail following completion of environmental analysis (per California law), completion of design, management and technical assistance.
- Segment 7 City of Santa Cruz rail trail (Natural Bridges to Wharf): With the City of Santa Cruz as the lead agency, complete construction of trail and conduct maintenance/operations activities with supplemental funding. Phase 1 from Natural Bridges to Bay St/California Ave is expected to be under construction later through Spring 2019.
- San Lorenzo River Parkway Phase II (Segment 8 bicycle/pedestrian trestle bridge widening): With the City of Santa Cruz as the lead agency, funds will be used to widen the existing walkway for multi-use purposes on the existing

railroad bridge. The City's objective is to start and complete construction prior to the 2019 summer tourist season.

- Segment 8/9 City and County of Santa Cruz rail trail (Pacific Ave/Wharf to 17<sup>th</sup> Ave): Environmental review and design is funded by ATP and Land Trust grants. Measure D funds will be utilized to leverage future grants for construction work.
- Segment 10 in Live Oak (17<sup>th</sup> to 47<sup>th</sup> Avenues/Jade Street Park): Preliminary design, right of way research/surveys, assessments, and grant writing services.
- Segment 18 City of Watsonville rail trail (Lee Rd-Walker): With the City of Watsonville as the lead agency, funding will be used for construction of the trail and conduct maintenance/operations activities. Construction is scheduled to begin in 2019.
- Maintenance of rail corridor: Ongoing activity to address vegetation, trash, graffiti, drainage, encroachments, etc.
- Ongoing oversight, technical work, coordination with stakeholders and other applicable entities, responding to public comments and questions, and advancing future trail segments, including pursuing additional grants.

#### Rail Corridor

8% of net Measure D revenues are designated for the Rail Corridor category for infrastructure preservation and analysis (including environmental and economic analysis) to answer community questions about possible future transit and other transportation uses of the rail corridor.

As stated in the Measure D Expenditure Plan, projects under this category include "maintaining and repairing the publicly-owned Santa Cruz Branch Rail Line." Therefore, the 5-year program of projects includes track maintenance and repairs, storm damage repair and clean up, and bridge analysis and rehabilitation to continue work began in 2012. Measure D does not include funding for any new train or rail service.

In summary, deliverables for the Rail Corridor category for the next five years include:

- Unified Corridor Investment Study: Complete three-route analysis including transportation options on the rail corridor
- Rail Bridges: Updated analysis of bridge conditions and rehabilitation needs to prioritize work; and rehabilitation of bridges based on results of analysis
- Track infrastructure: Conduct ongoing repair, maintenance and improvement, including storm damage repairs
- Corridor Use: Environmental documents based on results of the Unified Corridor Study

#### San Lorenzo Valley (SLV) Highway 9 Corridor Improvements

Measure D includes a total of \$10 million for transportation projects along the Highway 9 corridor through San Lorenzo Valley (approximately \$333,000 per year over 30 years). The 5-year plan includes \$750,000 to serve as a match to a grant application to improve pedestrian access to the SLV school complex, which has

consistently been identified as one of the highest priority projects in SLV. The RTC is working with a consultant team, Caltrans, County Public Works and Planning, Santa Cruz Metropolitan Transit District (METRO), and the public to develop a comprehensive plan for the Highway 9 corridor. The corridor plan identifies, evaluates and prioritizes multimodal investments along the corridor. The 5-year plan allocates \$50,000 in Measure D funds to complete the corridor plan. Additional funds were needed to address comments received on the implementation plan. The balance of Measure D revenues are reserved for projects identified in Highway 9/SLV corridor plan. Through development of the plan, hundreds of project ideas, challenge areas and concepts have been identified. Based on community input, the plan will prioritize projects for implementation in the short, mid and long term. Measure D funds are insufficient to address all of the priority transportation projects and will need to be focused on the very highest priority projects in San Lorenzo Valley and to leverage other funds.

In summary, deliverables for the SLV/Highway 9 project for the next five years include:

- SLV School Complex Access: Funds to serve as match to leverage Active Transportation Program grant funds to construct pathways and other improvements.
- Through the SLV/Highway 9 corridor planning effort, determine near-term and longer term priority investments of Measure D and other funds.

#### Highway 17 Wildlife Crossing

Measure D includes a total of \$5 million for the Highway 17 Wildlife Crossing (approximately \$167,000 per year over 30 years). Caltrans and the Land Trust of Santa Cruz County secured over \$3 million in State Highway Operation and Protection Program (SHOPP) funds from the California Transportation Commission (CTC) to initiate environmental review and design of a wildlife crossing on Highway 17 near Laurel Curve. The Land Trust has secured right-of-way adjacent to the highway and is raising private funds to complete the project. While Caltrans currently anticipates that pre-construction work will be done and the project ready for construction in FY20/21, Measure D revenues apportioned to the project will not have had time to accumulate to a level sufficient to fully fund the project by FY20/21. RTC staff is investigating financing and other options to accelerate delivery of this project, which may include loans from other entities or other Measure D categories, or bond financing. The 5-year plan assumes some of the Measure D funds may be needed for debt financing and ongoing RTC staff time associated with project implementation, coordination and outreach.

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