



**MEMORANDUM  
PUBLIC WORKS AND FACILITIES  
TRANSPORTATION DIVISION  
County of Placer**

**TO:** Board of Supervisors

**DATE:** July 12, 2016

**FROM:** Ken Grehm, Director of Public Works and Facilities

**SUBJECT:** Transportation / Special Election Ballot / Potential Transportation Sales

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**ACTION REQUESTED**

Adopt a Resolution at the request of the Placer County Transportation Planning Agency that: (1) calls a Special Election for the consideration of the Transportation Improvement Plan and Retail Transactions and Use Tax; (2) places the same Measure on the November 8, 2016 Ballot; and (3), consolidates the Special Election on the Measure with the Statewide Presidential General Election.

**BACKGROUND**

The action being requested of your Board is to place the Transportation Improvement Plan and Retail Transactions and Use Tax on the November Ballot to allow the public to vote on whether or not to impose the one-half of one percent sales tax. Your Board is not required or being asked to adopt the Ordinance to impose the tax; that action falls under the authority of Placer County Transportation Planning Agency (PCTPA), acting as the Placer County Local Transportation Authority. Previous actions required and completed are:

Approval of the Draft Expenditure Plan, which your Board approved on June 21, 2016, Resolution No. 2016-123. In addition, the Draft Expenditure Plan was supported by all of the city or town councils representing both a majority of the cities or towns in Placer County, and representing a majority of the population residing in the incorporated areas within Placer County.

PCTPA, acting as the Placer County Local Transportation Authority, adopted Ordinance No. 16-02 on June 22, 2016, which proposes the Transportation Improvement Plan and Retail Transactions and Use Tax to impose a one-half of one percent (0.5%) sales tax for a period of thirty (30) years to fund transportation projects and is attached for your review. Further, PCTPA also adopted Resolution No. 16-03 on June 22, 2016, which requests that the Placer County Board of Supervisors call a Special Election as required under the provisions of Public Utilities Code 180201 and 180203 to obtain voter approval of Ordinance No. 16-02. The Resolution also requests that the Special Election be consolidated with the November 8, 2016, Statewide Presidential General Election.

The action being requested is to place the sales tax on the ballot to allow the public to vote on the item and Placer County is not being asked or required to adopt the Ordinance, that action was completed by PCTPA.

**ENVIRONMENTAL IMPACT**

No environmental review is required for this action and individual projects funded by the tax would undergo their individual environmental review as required by law.

**FISCAL IMPACT**

There is no fiscal impact to the County for this action. A potential Transportation Tax approved by the voters would provide an estimated 1.6 billion dollars over 30 years for transportation improvements within Placer County.

**ATTACHMENTS**

Resolution  
PCTPA Ordinance 16-02

**Before the Placer County  
Board of Supervisors  
County of Placer, State of California**

**In the matter of:**

**Resol. No:.....**

A Resolution directing the Placer  
County Clerk-Recorder-Registrar  
of Voters to Place a Ballot  
Measure on the Consolidated  
November 8, 2016 General  
Election Ballot.

**The following Resolution was duly passed by the Board of Supervisors  
of the County of Placer at a regular meeting held \_\_\_\_\_,**

**by the following vote on roll call:**

**Ayes:**

**Noes:**

**Absent:**

**Signed and approved by me after its passage.**

**Attest:  
Clerk of said Board**

\_\_\_\_\_  
**Chair, Board of Supervisors**

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WHEREAS, on August 22, 2006, the Placer County Board of Supervisors adopted Resolution No. 2006-258 and designated the Placer County Transportation Planning Agency to serve as a local transportation authority for purposes of the Local Transportation Authority and Improvement Act; and

WHEREAS, the Placer County Local Transportation Authority (hereafter the "Authority") is the local transportation authority established and operating pursuant to 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; and,

WHEREAS, on June 22, 2016, the Authority adopted Authority Ordinance No. 16-02 and the Placer County Transportation Improvement Expenditure Plan by unanimous vote of the Authority Board, which imposes a retail transaction and use tax at a rate of one-half of one percent (0.5%) for thirty years commencing on April 1, 2017, which shall be operative if a two-thirds (2/3rds) majority of the electors voting on the measure vote to approve the imposition of the tax at an election call for that purpose; and

WHEREAS, the on June 22, 2016, the Authority adopted Resolution No. 16-03, requesting that the Placer County Board of Supervisors call a special election and consolidate that special election with the November 8, 2016 statewide presidential general election for the purpose of obtaining voter approval of Authority Ordinance No. 16-02; and

WHEREAS, Section 180203 of the California Public Utilities Code requires the County to call and conduct the special election in the same manner as provided by law for the conduct of special elections of the County and requires the Authority to reimburse the County for its costs in conducting the special election if the measure is approved by the voters;

**NOW THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER, STATE OF CALIFORNIA, HEREBY; RESOLVES, DETERMINES, AND ORDERS AS FOLLOWS:**

1. **Call for Election.** The Board hereby orders a special election for the purpose of submitting to the voters the question of whether Authority Ordinance No. 16-02, imposing a retail transactions and use tax at a rate of one-half of one percent (0.5%) for thirty years to provide supplemental funding for transportation improvements throughout Placer County should be approved or rejected. This Resolution constitutes the order of the Board to call such election.
2. **Election Date.** The date of the election shall be November 8, 2016, and shall be a County-wide special election, consolidated with the Statewide Presidential General Election.
3. **Purpose of Election; Ballot Proposition.** The purpose of this election shall be for the voters of the County to vote on the approval or rejection of Authority Ordinance No. 16-02. The ballot language for measure as adopted and approved by the Authority is attached hereto as Exhibit A. The full text of Authority Ordinance 16-02, that also contains the question to be put before the voters is attached as Exhibit B. The ballot measure shall be submitted as a proposition on the ballot as Measure \_\_\_\_, and the County Clerk-Registrar of Votes is hereby instructed to place Measure \_\_\_\_ on the ballot consistent with the California Elections Code and in the form attached as Exhibit A, and to include the full text Authority Ordinance 16-02 and the Placer County Transportation Improvement Expenditure Plan, attached to the ordinance as an exhibit.
4. **Authority for Election.** The authority for ordering the election is contained in Cal. Public Utilities Code Sections 180201 and 180302 and California Elections Code Sections 9342 and 12001.

5. **Delivery of this Resolution.** The Clerk of this Board is hereby authorized and directed to send or hand deliver a copy of this Resolution to the County Clerk-Registrar of Voters by no later than August 12, 2016.

5. **Ballot Arguments.** Any and all members of this Board are hereby authorized to act as an author of any ballot argument prepared in connection with the election, including a rebuttal argument. The Chairman of the Board, the County Executive Officer, or their designees, are hereby authorized to perform all acts necessary to place this ballot measure on the ballot.

6. **Consolidation of Election; Election Services.** The Board of Supervisors is hereby requests this election be consolidated with any and all other elections to be held on November 8, 2016. The Board of Supervisors hereby directs the County Elections Official to render all services necessary in connection this this measure. California Elections Code Sections 9160, *et. seq.*, shall apply to this consolidated special election, except that a fiscal impact statement by the County Auditor is not required.

7. **Severability.** If any section, subsection, phrase or clause of this Resolution, or its application to any person or circumstance, is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Resolution, or their application to any other person or circumstance. The Board declares that it would have adopted this Resolution and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, sentences, phrases or clauses, or their application to any person or circumstance, shall be declared invalid.

8. **Effective Date.** This Resolution shall be effective immediately upon its adoption.

**EXHIBIT A**

**BALLOT MEASURE PROPOSING A RETAIL  
TRANSACTIONS AND USE TAX FOR  
COUNTYWIDE TRANSPORTATION IMPROVEMENTS**

Measure \_\_\_\_\_

Shall Placer County reconfigure the 80/65 Interchange to relieve congestion; better maintain roads countywide; provide dedicated funding for rural road pothole repair; widen roadways/expand transit; expand Highway 65 in each direction; provide safe routes to school; add seniors/disabled persons transit; widen Baseline Road and build Placer Parkway creating I-80 alternatives, by establishing a one-half cent sales tax, limited to 30 years, raising \$53 million annually, with independent audits, citizens' oversight, and increasing eligibility for state/federal matching?

YES \_\_\_\_\_

NO \_\_\_\_\_

**EXHIBIT B**

**FULL TEXT OF THE AUTHORITY ORDINANCE 16-02  
IMPOSING A RETAIL TRANSACTIONS AND USE TAX AND  
TRANSPORTATION IMPROVEMENT EXPENDITURE PLAN**

**PLACER COUNTY LOCAL TRANSPORTATION AUTHORITY**

**ORDINANCE NO. 16-02**

**IN THE MATTER OF: AN ORDINANCE  
ADOPTING THE PLACER COUNTY LOCAL  
TRANSPORTATION AUTHORITY  
TRANSPORTATION IMPROVEMENT PLAN  
AND RETAIL TRANSACTIONS AND USE TAX**

The attached Ordinance No. 16-02 was duly passed by the Placer County Local Transportation Authority at a regular meeting held June 22, 2016, by the following vote on roll call:

AYES: Baker, Hesch, Holmes, Nader, Nesbitt, Rohan, Ruslin, Treabess, Uhler

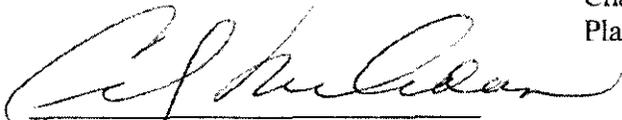
NOES: None

ABSENT: None

Signed and approved by me after its passage.



Chair  
Placer County Local Transportation Authority



Executive Director



PLACER COUNTY  
LOCAL TRANSPORTATION  
AUTHORITY

## **ORDINANCE No. 16-02**

### **Placer County Local Transportation Authority Transportation Improvement Plan And Retail Transactions and Use Tax Ordinance**

#### **PREAMBLE**

A properly functioning and well-maintained transportation system in Placer County is a key component of our high quality of life and ability to attract jobs to our region. However, the decline in the purchasing power of the gas tax, and the increasing restrictions that the state and federal government have placed on their limited available transportation funds, has led to a rapid deterioration of our existing streets, roads and highways, and little to no available funding to expand our transportation network. Our population is expected to continue to grow and with it, the demands on our transportation system will only increase. Already, traffic and congestion are growing, and Placer County residents spend an increasing amount of time stuck in traffic.

Maintenance and repairs of existing roadways and improvements to relieve congestion cannot be accomplished with available funds. Without additional funds, the system will bog down and pavement will crumble into permanent disrepair. State and federal highway funds are inadequate and competition for funds is increasing. Projects in regions of the state which have a local source of transportation funds, primarily through local retail transactions and use tax funds, have been and will continue to be viewed much more favorably in the selection process of the California Transportation Commission. Local governments must either generate revenues to expand our system and maintain our investments or watch the system collapse and endanger the health, economy, welfare and safety of all Placer County residents.

Enactment of a one-half of one percent (0.5%) retail transactions and use tax for transportation to supplement traditional revenue sources, and revenues to be generated through locally-adopted developer fees and assessment districts for transportation improvements, is the only way local governments can generate the funds needed to be sure the transportation system will serve the current and future travel needs of Placer County.

The Placer County Transportation Planning Authority will continue to seek maximum funding for transportation improvements through State and federal programs. The Authority will not provide retail transactions and use tax revenues to any city, town, or to the County to replace revenues currently used by the city, town or the County for transportation purposes; all of the funds generated will be used to provide new funding for expanding our transportation network and maintenance of the existing transportation network.

It is important that the people of Placer County know that the funds generated by this proposed retail transactions and use tax for transportation purposes will be used only for the transportation expenditure plan detailed in this ordinance, and therefore, the Authority will establish a robust system of public accountability in conjunction with the tax, including a taxpayer oversight committee which will perform independent audits of the spending on an annual basis and report the findings of the audit to the people of Placer County.

The Placer County Local Transportation Authority ordains as follows:

**SECTION I. SUMMARY.** This Ordinance provides for the adoption of a County transportation expenditure plan, 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 bonds secured by such taxes, the administration of the tax proceeds, and the creation of an independent Citizen Oversight Committee to review the mandatory annual financial audits of program expenditures and to produce an annual report of findings to the Authority Board of Directors and the public.

**SECTION II. DEFINITIONS.** The following definitions shall apply in this Ordinance:

- A. "Authority" means the Placer County Local Transportation Authority, as set forth in Government Code Sections 67910 and 67911. The Placer County Transportation Planning Agency was designated as the Authority by the Placer County Board of Supervisors on August 22, 2006.
- B. "County" means the County of Placer.
- C. "Expenditure Plan" or "Plan" means the Placer County Transportation Improvement Plan (attached as Exhibit A) and adopted as part of this Ordinance including any future amendments thereto.
- D. "Tahoe Area" means the area east of the summit of the Sierra Nevada Mountains located within Placer County, including, but not limited to, Tahoe City, Kings Beach, Carnelian Bay, Squaw Valley, Martis Valley, Northstar, and Alpine Meadows.
- E. "Transportation Tax" means the retail transactions and use tax created by this Ordinance.

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

SECTION IV. IMPOSITION OF RETAIL TRANSACTIONS AND USE TAX. This retail transactions and use tax shall be in addition to any other taxes authorized by law, including any existing or future state or local sales tax or transactions and use tax. Subject to voter approval of the same, the Authority shall impose, in the incorporated and unincorporated territory of the County of Placer, the following retail transactions and use tax for a thirty (30) year period commencing April 1, 2017 (referred to as the "Transportation Tax"):

- A. For the privilege of selling tangible personal property at retail, a retail transactions 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 the County on and after the operative date of this Ordinance.
- B. 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 the County at the rate of one-half of one percent (0.5%) of the sales price of the property. This 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 V. PURPOSES. 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 California Revenue and Taxation Code and Section 180050 *et. seq.* of the Public Utilities Code which authorize the Authority to adopt this Ordinance which shall be operative if a two-thirds (2/3rds) majority of the electors voting on the measure vote to approve the imposition of the tax at an election called for that purpose.
- 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 County-wide transportation sales 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. The funds generated by the Transportation Tax may only be used for transportation purposes including the administration of the Expenditure Plan, as amended, including defense or prosecution of legal actions related thereto, the construction, acquisition, maintenance, and operation of streets, roads, highways, including state highways and public transit systems and for related transportation purposes, including project management and oversight of the projects to be funded using the Transportation Tax, such as coordination with other responsible agencies as well as project delivery and negotiation of project agreements. These purposes include expenditures for planning, environmental reviews, engineering and design costs, and related right-of-way acquisition. Expenditures also include, but are not limited to, debt service on bonds or other indebtedness, and expenses and reserves in connection with the issuance of the same.

SECTION VI. BONDING AUTHORITY. Pay-as-you-go financing is the preferred method of financing transportation improvements and programs under this Ordinance. However, the Authority may decide to use bond financing as an alternative method if the scope of planned expenditures makes pay-as-you-go financing infeasible.

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 Section V hereof, including, but not limited to, carrying out the transportation projects described in the Expenditure Plan.

SECTION VII. MAINTENANCE OF EFFORT. The Authority, by enactment of this Ordinance, intends the additional funds provided government agencies by this Ordinance to supplement existing local revenues being used for transportation

purposes. 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. Under this Ordinance, funding priorities should be given to addressing current transportation needs, easing congestion, and improving safety.

The local government agencies shall maintain their existing commitment of transportation funds for transportation purposes, and the Authority shall enforce this provision by appropriate actions, including fiscal audits of the local agencies. For purposes of this Section VII, the local agency shall have satisfied its maintenance of effort requirement if it demonstrates that it has expended funds for local street improvements and maintenance other than Transportation Taxes allocated to it in an amount no less than an amount equal to the average percentage of the general fund budget spent for local street improvements and maintenance for the five (5) fiscal years prior to the date when the local agency submits its report as required by the Expenditure Plan.

SECTION VIII. TAHOE AREA SUBVENTION. After payment of the amount owed to the Board of Equalization for collection of the Transportation Tax and administrative costs of the Authority as provided in this Ordinance, the Transportation Tax shall be allocated to the Placer County Board of Supervisors for use for projects in the Tahoe Area in amounts as set forth in the Expenditure Plan.

SECTION IX. 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, shall allocate revenues derived from the Transportation Tax, and shall administer the Expenditure Plan, consistently with the authority cited herein.

SECTION X. TRANSPARENCY, ACCOUNTABILITY, AND ADMINISTRATIVE COSTS. The Authority shall expend only that amount of the funds generated from the Transportation Tax 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, and in no case shall the funds expended for salaries and benefits exceed one percent (1%) of the annual amount of revenue raised by the Transportation Tax net of the amount of fees paid to the State Board of Equalization for collection of the sales tax and prior to the distribution of the Transportation Taxes to the local jurisdictions as provided in the Expenditure Plan (Exhibit A). Local jurisdiction administrative costs are considered separately and would also be limited to one percent (1%) of each jurisdiction's Local Transportation Program under Section 3.3 of the Expenditure Plan (Exhibit A).

SECTION XI. OPERATIVE DATE. Subject to voter approval, this Ordinance shall be operative on the first day of the first calendar quarter commencing more than 110 days after adoption of the Ordinance, but in no event earlier than April 1, 2017. Prior to the operative date of the Ordinance, the Authority shall contract with the State Board of Equalization to perform all functions incidental to the administration and operation of the 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 case, the operative date shall be the first day of the first calendar quarter following the execution of such a contract.

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

"Shall Placer County:

- Reconfigure the 80/65 interchange to relieve congestion;
- Better maintain roads countywide;
- Provide dedicated funding for rural road pothole repair;
- Widen roadways/expand transit;
- Expand Highway 65 in each direction;
- Provide safe routes to school;
- Add transit for seniors/disabled persons; and
- Widen Baseline Road and build Placer Parkway creating I-80 alternatives,

By establishing a one-half-cent sales tax, limited to 30 years, raising \$53 million per year, with independent audits, citizens' oversight, and increasing eligibility for state and federal matching?

YES \_\_\_\_\_ NO \_\_\_\_\_"

SECTION XIII. EXPENDITURE PLAN AMENDMENTS. The Expenditure Plan for Transportation Tax funds may only be amended as follows: (1) initiation of the

amendment by the Authority reciting findings of necessity; and (2) approval by the city or town councils representing both a majority of the cities or towns in the county and a majority of the population residing in the incorporated areas of the County; and (3) approval by the Board of Supervisors.

Commencing on or before 2026 and at least every ten (10) years thereafter, the Authority shall review and, when necessary, propose revisions to the Expenditure Plan. Such revisions shall be submitted for approval according to the procedures set forth in this Section XIII. Until revisions to the Expenditure Plan have been approved and become effective, the then-existing Expenditure Plan shall remain in full force and effect.

SECTION XIV. ANNUAL APPROPRIATIONS LIMIT. The annual appropriations limit of the Authority established pursuant to Section 4 of Article XIII B of the California Constitution and Section 180202 of the Public Utilities Code shall be \$450 million. The appropriations limit shall be subject to adjustment as provided by law.

SECTION XV. SEVERABILITY. If any provision of this Ordinance, or the application thereof, is for any reason held invalid or unenforceable by a court of competent jurisdiction to a person or circumstance, 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 XVI. 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 XVII. ADOPTION OF PROVISIONS OF STATE LAW. Except as otherwise provided in this Ordinance and except insofar as they are inconsistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code are hereby adopted and made a part of this Ordinance as though fully set forth herein.

**SECTION XVIII. LIMITATIONS ON ADOPTION OF STATE LAW AND COLLECTION OF USE TAXES.** In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code:

- A. Wherever the State of California is named or referred to as the taxing agency, the name of the Authority shall be substituted therefor. However, the substitution shall not be made when:
1. The word "State" is used as a part of the title of the State Controller, State Treasurer, State Board of Control, State Board of Equalization, State Treasury, or the Constitution of the State of California;
  2. The result of that substitution would require action to be taken by or against the 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 XIX. 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 XX. EXEMPTIONS AND EXCLUSIONS.

- A. There shall be excluded from the measure of the Transportation 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 the 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 the retailer's 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 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 XXI. INDEPENDENT CITIZEN OVERSIGHT COMMITTEE. An independent Citizen Oversight Committee shall be formed, as provided in the Expenditure Plan.

SECTION XXII. 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.

SECTION XXIII. 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

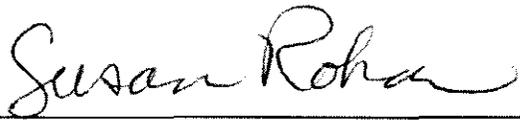
Ordinance, or Part 1.6 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected.

SECTION XXIV. EFFECTIVE DATE. This Ordinance relates to the levying and collecting of the County retail transactions and use taxes and shall take effect immediately.

SECTION XXV. 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. Prior to commencement of any project included in the Expenditure Plan, any necessary environmental review required by CEQA shall be completed.

SECTION XXVI. ADOPTION OF ORDINANCE. This Ordinance was introduced and adopted at the regular meeting of the Authority's governing Board on June 22, 2016.

June 22, 2016

By:   
Susan Rohan, Chair  
Placer County Local Transportation Authority

ATTESTED:

By:   
Solvi Sabol, Clerk of the Board  
Placer County Local Transportation Authority

**EXPENDITURE PLAN  
EXHIBIT A TO  
ORDINANCE NO. 16-02**

**Placer County  
Transportation Improvement Plan**

This TRANSPORTATION IMPROVEMENT PLAN, which shall act as the County's Expenditure Plan (the "Plan"), was prepared by the Placer County Local Transportation Authority (the "Authority") for the purpose of establishing a one-half of one percent (0.5%) retail transactions and use tax for transportation purposes (the "Transportation Tax") to be collected for thirty (30) years, if approved by the voters on November 8, 2016. This is proposed by the Authority as a means to fill the shortfall in funding needed to: implement necessary highway, rail, and transit projects; secure new transportation corridors through environmental clearance and right of way purchases; provide adequate maintenance and improvements on the local street and road system; promote economic growth throughout the County; and meet the needs of commuters and the specialized needs of the growing senior and disabled population.

**CHAPTER 1: GOALS AND OBJECTIVES**

**1.1 *MAINTAIN AND IMPROVE THE QUALITY OF LIFE IN PLACER COUNTY BY SUPPLEMENTING EXISTING FUNDS FOR TRANSPORTATION***

Reduce current congestion and provide adequate transportation facilities to accommodate reasonable growth in the future.

Provide funding for the adequate maintenance and improvement of local streets and roads in the cities, town, and unincorporated areas.

Enhance Placer County's ability to secure state and federal funding for transportation by offering local matching funds.

**1.2 *PROVIDE FOR ACCOUNTABILITY IN THE EXPENDITURE OF TAXPAYER FUNDS***

Provide for mandatory dedication of Transportation Tax funds only for the transportation improvements and programs identified in this Plan and no other purpose.

Provide for a mandatory, annual financial audit of program expenditures to insure that all funds are spent in accordance with this voter adopted Plan and associated legal ordinance.

Provide for an independent Citizen Oversight Committee to review the mandatory annual financial audits of program expenditures and to produce an annual report of findings to the Board and the public.

Provide for a Maintenance of Effort requirement in funds made available to city, town, and County governments for local street and road programs to insure the new money for this purpose is adding to current funding levels.

Provide for the strict limitation of administrative staff costs in implementing this Plan, by limiting, in law, funds expended for salaries and benefits to no more than one percent (1%) of the annual amount of revenues raised by the Transportation Tax as provided in Section X of the Ordinance, net of the amount of fees paid to the State Board of Equalization for collection of the sales tax.

Provide for this Plan to be reviewed at least every ten (10) years for the period it is in effect to ensure that the changing needs and priorities of the jurisdictions are met, as provided in Section XIII of the Ordinance.

Provide for the mandatory termination of the Transportation Tax in thirty (30) years from the operative date, requiring additional voter approval at a County general election for any extension.

### **1.3 PROVIDE FOR EQUITY IN THE DISTRIBUTION OF TRANSPORTATION TAX REVENUES**

Address the unique needs of each of the areas of the County.

Provide a reasonable balance between competing highway, rail, transit, bicycle/pedestrian, and local streets and road needs.

Return to the Tahoe Area a proportional share of the Transportation Tax generated in that area.

### **1.4 PROVIDE FOR LOCAL CONTROL OF THE TRANSPORTATION IMPROVEMENT PLAN**

Provide for cost effective, local administration of the Plan through the existing Placer County Transportation Planning Authority. No new agency would be required to administer these funds.

Delegate appropriate administrative responsibility to the cities, town, and the County and other local agencies designated by a city, town, the County, or the Authority for local programs.

## **CHAPTER 2: TAXPAYER ACCOUNTABILITY SAFEGUARDS**

### **2.1 LEGAL DEDICATION OF FUNDS**

Funds generated by the Transportation Tax, net of the amount of fees paid to the State Board of Equalization, may only be used for transportation purposes as described in the Ordinance governing this Plan, including the acquisition, construction, environmental mitigation, maintenance, and operation of streets, roads, highways, including state highways and public transit systems and equipment, and for related transportation purposes. These purposes include but are not limited to expenditures for planning, environmental reviews, engineering and design costs, related right-of-way acquisition, and construction, engineering, project management, and administration.

### **2.2 MANDATORY ANNUAL FISCAL AUDIT**

No less than annually, the Authority shall conduct an independent fiscal audit 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. In addition, the audit shall determine compliance with the Maintenance of Effort requirements and requirements described in Section 3.3 of this Plan entitled "Local Transportation Programs." The audit shall also ensure that no more than one percent (1%) of the annual amount of Transportation Tax is used for administrative staff salaries and benefits in implementing this Plan, as required under Section X of the Ordinance.

### **2.3 INDEPENDENT CITIZEN OVERSIGHT COMMITTEE**

An eight (8) member Independent Citizen Oversight Committee shall be formed 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 annual report shall also be made available to the public. Membership in the Independent Citizen Oversight Committee shall be composed of one registered voter appointed by the governing body of each city and town, and two appointed by the Placer County Board of Supervisors. The two appointees of the County shall include at least one representing the Tahoe Area. Persons currently employed by the County of Placer or any incorporated city or town therein, or currently serving as a city or town councilmember or member of the Board of Supervisors, are not eligible for membership on the Citizen Oversight Committee.

In the event a new city or town is incorporated, the Independent Citizen Oversight Committee membership would be expanded to include one voter appointed by the governing body of that new city or town.

## **2.4 MANDATORY PLAN UPDATE AND TERMINATION OF TRANSPORTATION TAX**

This Plan shall be reviewed by the Authority at least every ten (10) years that the Transportation Tax is in effect to reflect current and changing transportation priorities and needs in the County, as defined by the duly elected local government representatives on the Authority Board. Any changes to this Plan must be adopted in accordance with Section XIII of the Ordinance and with current law in effect at the time of the update, and must be based on findings of necessity for change by the Authority. The Transportation Tax authorized to be collected by the voters shall expire in exactly thirty (30) years, unless the voters approve an extension of the Transportation Tax prior to the expiration date, as may be required under state law in effect at the time of the vote for extension.

## **CHAPTER 3: SPECIFIC TRANSPORTATION PROGRAMS TO BE FUNDED**

### **3.1 MAJOR HIGHWAY/ ROAD PROGRAMS – 44.75%**

Many more state highway improvement projects are needed to deal with congestion and safety problems in Placer County than existing state and federal revenues can fund. Programmed and projected formula funds from these sources over the thirty (30) years are estimated to be \$117 million and will fund about 8% of the improvements needed and identified in this Plan. Funds generated by the Transportation Tax will supplement those funding sources with an estimated \$716 million and, along with an estimated \$715 million in developer impact fees, will cover the remaining costs estimated to accomplish these improvements. **The actual amount of funds available for expenditure on state highway improvement projects from the identified sources and the amount expended for such purposes may vary from these estimates.**

44.75% of the Transportation Tax is allocated to Major Highway/Road Projects. The Major Highway/Road projects to be implemented with the Transportation Tax revenues are as follows:

| <b>ROUTE</b>   | <b>LIMITS</b>   | <b>PROJECT</b>   |
|----------------|---|--|
| I-80/SR 65     | Interchange Phase 1-3   | Improve interchange operations and capacity  |
| I-80           | I-80/SR 174 Interchange<br>I-80/Rocklin Road Interchange<br>I-80/Horseshoe Bar Rd Interchange | Improve interchange capacity and operations  |
| I-80           | Douglas Blvd to Riverside Ave (westbound)<br>SR 65 to Rocklin Rd (eastbound)                  | Add/extend auxiliary lanes   |
| SR 65          | Galleria Blvd/Stanford Ranch Blvd to Lincoln Blvd.  | Widen to 3-5 lanes each direction  |
| SR 65          | SR 65/Nelson Lane Interchange   | Improve to grade separated interchange   |
| SR 49          | I-80 to Dry Creek Road  | Operational and safety improvements including widening, bikeways, sidewalks, signal synchronization and complete streets |
| Baseline Road  | Foothills Blvd to SR 70/99  | Widen to 4-6 lanes   |
| Placer Parkway | SR 65 to SR 70/99   | Construct 4 lane expressway  |

**The final scope and project limits of all improvements proposed for the State Highway system will be determined through the environmental clearance process.**

The Authority may add additional Major Highway/Road projects, should the Transportation Tax produce more revenue than now predicted or the Authority be more successful than anticipated in attracting state/federal matching funds, developer impact fees, or obtaining other grants and funds for transportation infrastructure purposes.

### **3.2. RAIL AND TRANSIT PROGRAM – 11.875%**

This Plan will provide an estimated \$190 million of Transportation Taxes to expand rail, add bus rapid transit, and implement services and continue and expand programs to meet the transit needs of seniors, disabled persons and commuters.

#### **3.2.a. Transportation Services for Seniors and Disabled Persons**

Seniors and disabled persons are becoming an increasing percentage of the population each year, and will drive demand for more frequent transit service to more areas. In addition, a number of transportation programs have been implemented which meet specialized needs for transportation to medical services, social service agencies and programs, shopping and other purposes that cannot be met by conventional transit. An estimated \$55 million in Transportation Tax funds will be used to expand these transit services.

#### **3.2.b. Capitol Corridor Rail and Bus Rapid Transit Service**

The existing Capitol Corridor rail service has provided a viable alternative to the automobile for daily commuters to downtown Sacramento and reduces traffic on I-80. The current service level needs to be augmented by expanding capacity between Sacramento and Roseville to bring ten (10) round trips per day to Placer County. In addition, establishment of frequent and timely bus rapid transit service that provides a reasonable alternative to the automobile for existing and future daily commuters who travel to and within the South Placer area is needed. An estimated \$90 million of Transportation Tax funds will be made available for capital and operations of these rail and bus rapid transit services and to match available federal funds.

#### **3.2.c. Commuter Bus Service**

Placer County's existing commuter bus services provide a safe, convenient, and comfortable alternative to driving and removes congestion from highways. There is strong demand to expand this highly popular effective service to connect more residential areas and major employment centers. An estimated \$45 million of Transportation Tax funds will be made available for capital and operations of commuter bus services, and to match available federal and state funds.

**The actual amount of funds available for expenditure on transit and other projects described in this Section from the identified sources and the amount expended for such purposes may vary from these estimates.**

### **3.3. LOCAL TRANSPORTATION PROGRAM – 30%**

The local transportation systems, particularly local streets and roads, are critical to the everyday movement of people within the cities, town, and the County.

Much of the road system is aging, has potholes, and is in need of expanded maintenance and rehabilitation. New local roads adjacent to new residential and business developments will continue to be constructed and paid for by the developers. Current resources, without the establishment of Transportation Tax revenues for transportation, cannot provide adequate funding to maintain the local street and road system at the level necessary to adequately serve the public.

The priorities for local transportation vary among individual local jurisdictions. While overlay, reconstruction, repair, and maintenance of the local road system are needs common to all and is specifically allowable as an expenditure of these funds, there are additional needs as well. Transportation Tax funds can be used for transportation projects, transit operations, projects that support transportation/land use coordination, and air quality improvement projects, as designated by this Plan. Some examples of allowable projects include bike paths, transit centers, widening of existing local roads, local matching funds for transportation grants or earmarks, fueling stations for electric vehicles, compressed natural gas or other alternative fuels, sidewalks and pedestrian paths, transportation demand management programs, lighting, landscaping, security for transportation facilities, park and ride lots, Safe Routes to School programs, and traffic signal synchronization.

This Plan will provide an estimated \$ 480 million of Transportation Taxes specifically for these purposes. The funds will be distributed to the cities, town, and the County by a formula based on an equal weighting of each jurisdiction's proportionate share of the total County population and road miles, with a minimum allocation of \$250,000 for each jurisdiction. Allocations will be updated annually based on California Department of Finance population data and reported road miles.

**The actual amount of funds available for expenditure on local transportation projects from the identified sources and the amount expended for such purposes may vary from these estimates.**

In order to be eligible for these funds, each jurisdiction shall satisfy and continue to satisfy the following requirements:

1. On July 1 of each year, file a Five-Year Capital Improvement Program including all capital transportation projects, including projects funded by the jurisdiction's share of the Transportation Tax.

2. The portion of funds under this Program designated to the Non-Tahoe portion of Placer County shall include a minimum of 50% into a "Placer County Rural Roads Maintenance and Repair Fund." Expenditures from this Fund shall be restricted to the repair, safety, and maintenance of existing county roads, and not used for capacity increasing transportation improvements, in the areas represented by the following Municipal Advisory Councils (MACs):

- Donner Summit
- Foresthill Forum
- Horseshoe Bar/Pennryn
- Meadow Vista
- Newcastle/Ophir
- North Auburn
- Rural Lincoln
- Sheridan
- Weimar/Applegate/Colfax
- West Placer

The County shall consult with each MAC at least once annually as part of the development of the MAC's Five-Year Capital Improvement Program to identify local priorities for resurfacing, pothole repair, and other road maintenance and repair.

3. Adopt and administer a development impact fee program that requires new development to pay a fair share of necessary transportation improvements attributable to the new development.

4. On July 1 of each year, file with the Authority an annual Expenditure Report for the prior fiscal year identifying the amount of Transportation Taxes, developer impact fees and other local agency funds expended by the jurisdiction and certify that the maintenance of effort requirements of the Ordinance and the Expenditure have been satisfied.

### **3.4 TAHOE AREA PROGRAM – 3%**

The Tahoe Area of Placer County is that area east of the summit of the Sierra Nevada Mountains located within Placer County, including but not limited to Tahoe City, Kings Beach, Carnelian Bay, Squaw Valley, Martis Valley, Northstar, and Alpine Meadows. This Plan is designed to recognize the unique transportation challenges and priorities for the Tahoe Area by providing an estimated \$48 million for improvements such as:

- Provide funding for the improvement and expansion of the bicycle and pedestrian trail system, including maintenance and snow removal
- Improve and Expand Public and Specialty Transit Service
- Provide funding for Local Streets and Roads Improvements, including road rehabilitation

- Improve Safety and Visibility at Major Intersections and Arterial Roads, including snow removal

In order to be eligible for these funds, the Tahoe Area, as represented by the County of Placer, will be required to file a Five-Year Capital Improvement Program, updated annually, with the Authority outlining anticipated expenditures. The North Lake Tahoe Transportation Authority, created pursuant to Government Code Section 67964, will not have any role in developing or administering said programs or funds unless expressly designated by subsequent action of the Placer County Board of Supervisors.

### **3.5 *BICYCLE AND PEDESTRIAN PROGRAM – 4.75%***

Bicycle, pedestrian, and neighborhood electric vehicle (NEV) travel provide a viable alternative for short distance trips and enhance the quality of life in our neighborhoods. Safe, easy to use facilities in key areas support the attractiveness of these clean and healthy transportation modes. An estimated \$76 million in net Transportation Tax funds will be used to match local, state, and federal funds to construct and improve bicycle, pedestrian, and neighborhood electric vehicle facilities and otherwise to support walkable and bikeable communities including Safe Routes to School.

The Authority shall establish, in the first year after the adoption of this Ordinance, the criteria by which projects are deemed eligible for funding under this Program, and the selection criteria by which such eligible projects are selected. The eligibility and selection criteria shall include safety, connectivity to schools and to the overall system estimated demand/usage, ability to attract matching funds, and lack of other funding in the overall Transportation Expenditure Plan.

### **3.6 *COMPETITIVE PROJECTS PROGRAM – 4.625%***

It is recognized that the Plan cannot anticipate every factor that could affect transportation needs over its thirty (30) year life. New technologies, new travel patterns, and new transportation modes are amongst the many possibilities that may arise in the future. To provide the flexibility to meet those unanticipated needs and opportunities, the Transportation Plan is anticipated to provide approximately \$74 million to a Competitive Projects Program. The Authority shall establish, in the first year after the adoption of this Ordinance, the criteria by which projects are deemed eligible for funding under this Program, and the selection criteria by which such eligible projects are selected. The eligibility and selection criteria shall include safety, congestion relief, ability to attract matching funds, and lack of other funding in this overall Transportation Expenditure Plan. Any Competitive Projects Program funds unspent at the conclusion of the thirty (30) year Plan would be added to the Local Transportation Program.

## **CHAPTER 4: BOND FINANCING**

Construction of the highway and rail projects and implementation of the local streets and roads and other programs identified in this Plan are needed as soon as possible. In order to accomplish this, some level of borrowing will be required, with debt to be repaid with Transportation Tax revenues. The Authority will determine the extent of borrowing that is reasonable and that can be supported by Transportation Tax revenues as the Plan is implemented.

## **CHAPTER 5: ALLOCATIONS SUMMARY**

| <b>TRANSPORTATION TAX REVENUE ALLOCATIONS</b>                           |          |
|---|----------|
| Major Highway/Road Program  | 44.750%  |
| Rail and Transit Program  | 11.875%  |
| Bicycle and Pedestrian Program  | 4.750%   |
| Local Transportation Program/Rural Roads Maintenance and Repair Program | 30.000%  |
| Tahoe Area Program  | 3.000%   |
| Competitive Projects Program  | 4.625%   |
| Transparency, Accountability, and Administration                        | 1.000%   |
| TOTAL   | 100.000% |

The Authority may reallocate the expenditure of Transportation Taxes in any given year on a different percentage basis provided that the percentage allocations set forth above are achieved over the duration of the Ordinance.

## **CHAPTER 6. FUNDING FLEXIBILITY AND BONDING TO EXPEDITE PROJECTS**

To more quickly deliver transportation projects for the benefit of Placer County residents, visitors, and businesses, the Authority may temporarily shift Transportation Tax revenues and developer impact fees administered by the South Placer Regional Transportation Authority (SPRTA) amongst projects in any given year. However, the proportionate shares for funding contributions and purposes over the 30-year period may not be changed without an amendment of this Plan as required by law and Section XIII of the Ordinance. Transportation Tax revenues subject to this temporary shift specifically exclude those annually allocated to the cities, town, and County under the Local Transportation Program (Section 3.3 of this Plan) and those allocated to the Tahoe Area under this Plan (although Tahoe Area funds may be shifted between projects benefiting the Tahoe Area). Shifts may not be made without previous consultation with the affected local agencies and two-thirds majority approval of the Authority Board of Directors.

## **CHAPTER 7. INFORMING THE PUBLIC OF LOCAL FUNDING SUPPORT**

All projects using \$1 million or more of Transportation Tax revenues shall be signed to inform the public that Transportation Tax revenues support the project.

## **CHAPTER 8. SEVERANCE PROVISIONS**

If any provision of this Plan, or the application thereof, is for any reason held invalid and unenforceable by a court of competent jurisdiction to a person or circumstance, the remainder of the Plan 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 Plan irrespective of the validity of any other part.