

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Chief Executive Office

BOARD AGENDA # B-8

Urgent

Routine

AGENDA DATE July 22, 2008

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Place the 20-Year Countywide Transportation One-Half Cent Sales Tax Ordinance on the November 2008 Ballot

STAFF RECOMMENDATIONS:

Order an election and direct the County Elections Official to place the Stanislaus County Better Roads/Safer Streets Program Transactions and Use Tax Ordinance on the ballot for the next statewide election occurring not less than 88 days after the date of the order of election.

FISCAL IMPACT:

Based on costs associated with placing the last transportation sales tax measure on the ballot in November 2006, the Registrar of Voters estimates the cost of placing this proposed County Transportation Tax measure on the November 2008 ballot to be approximately \$1.00 per voter, or a little over \$220,000. Costs associated with conducting the November 2008 Election are already included in the Clerk-Recorder-Elections Division 2008-2009 Proposed Budget. The Registrar of Voters does not anticipate an additional need for funding at this time, unless the total number of measures submitted ends up requiring a second ballot card. (Continued on Page 2)

BOARD ACTION AS FOLLOWS:

No. 2008-543

On motion of Supervisor Monteith, Seconded by Supervisor Grover
and approved by the following vote,

Ayes: Supervisors: O'Brien, Grover, Monteith, DeMartini and Chairman Mayfield

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

FISCAL IMPACT: (Continued)

If Stanislaus County voters approve the Measure, the County will receive local funding for needed transportation improvement projects. It is anticipated that the Transportation Measure will generate \$700 million over the next 20 years to address transportation needs throughout Stanislaus County. This includes \$350 million (50%) for regional capital projects, \$343 million (49%) to be expended on capital corridor improvements and \$7 million (1%) for administration of the proceeds of the sales tax.

DISCUSSION:

At its July 9, 2008 meeting, the Stanislaus Council of Governments (StanCOG) Policy Board, acting as the designated Stanislaus County Transportation Authority ("Authority"), unanimously adopted a Transportation Sales Tax Ordinance and directed the Executive Director to forward the Sales Tax Ordinance to the Stanislaus County Board of Supervisors for placement on the November 2008 ballot, consolidating the required special election with the statewide election.

The Ordinance, known as the Stanislaus County Better Roads/Safer Streets Program Transactions and Use Tax Ordinance, provides for the imposition of a one-half of one percent retail transactions and use tax by the Stanislaus County Transportation Authority for local transportation purposes for a period of 20 years.

Background

In November 2006, an initiative (Measure K) to increase the County sales tax rate by one-half cent to fund transportation improvements and road maintenance received 57.92% voter approval, but failed to garner the required 66.67% majority approval to pass. Measure K would have been in effect for 30 years with 70% of the revenue committed to regional infrastructure needs and 30% committed to local traffic needs.

Recognizing that significant transportation deficiencies still exist, and with no identified funding to address these deficiencies, in December 2007 the StanCOG Policy Board, acting as the Authority, once again revisited the issue of a one-half cent transportation sales tax initiative. At that meeting, the Policy Board directed the Executive Director to begin working with the County Chief Executive Officer and City Managers from the nine cities to develop a draft Plan that would be acceptable to all agencies. That group examined potential revenue that would be generated, the breakdown of revenue between regional and local needs and potential apportionment methodologies for the distribution of local funding including population, sales tax and road miles.

Based on their respective apportionment, each jurisdiction was then asked to develop a list of proposed transportation improvements that would be funded by the proposed transportation sales tax. The compiled list of improvements, called the Stanislaus County 2008 Transportation Financial Expenditure Plan (Expenditure Plan), was considered and approved by the Board of Supervisors at its July 1, 2008 meeting. The Expenditure Plan was also considered and approved by all nine cities in the County before being adopted by the StanCOG Policy Board/Authority at its July 9, 2008 meeting.

ESA Community Development prepared a Programmatic Environmental Impact Report (PEIR) for the ordinance. Upon conclusion of the July 9, 2008 Public Hearing on the PEIR, the StanCOG Policy Board/Authority certified the PEIR for the Expenditure Plan, making the required findings and issuing a Statement of Overriding Considerations.

The Stanislaus County Better Roads/Safer Streets Program

The purpose of the sales tax ordinance is to maintain and improve the quality of life in Stanislaus County by focusing on accomplishing the following:

1. Improve safety and reduce congestion on local highways;
2. Improve intersections and synchronize traffic signals;
3. Improve emergency response times for police and fire;
4. Enhance student safety around schools;
5. Improve travel along east-west corridors;
6. Retrofit and replace bridges;
7. Fill potholes, fix, widen and extend local roads; and
8. Enhance Stanislaus County's ability to secure state and federal funding for transportation by providing required local match funding.

The one-half of one percent retail transactions and use tax is dedicated for transportation purposes including the planning, design, right of way acquisition, environmental review and mitigation, construction, operation and maintenance of transportation projects, improvements and programs. Funds cannot be used for other governmental purposes or programs of any kind. To ensure that all funding from the tax is used appropriately, the Ordinance contains the following safeguards:

1. The specific projects and programs included in the Financial Expenditure Plan will be funded in part by revenue raised by the transactions and use tax. The Final Expenditure Plan can only be changed upon approval by the Authority.
2. An Independent Citizens Oversight Committee will supervise fiscal and performance audits regarding the use of all sales tax funds to ensure

that all funds are spent in accordance with the provisions of the Ordinance and the Financial Expenditure Plan.

3. The tax is for transportation programs only and is not intended to replace revenues generated through locally-adopted development fees and assessment districts.
4. The Transportation Authority will continue to seek maximum funding for transportation improvements through State and federal programs. The Authority will not provide sales tax revenue to any of the Cities or the County unless all transportation revenues currently used by that agency are continued to be used for transportation purposes.

Section 180201 of the Public Utilities Code and 10403 of the Elections Code requires approval by the Board of Supervisors to place this matter on the ballot. Elections Code Section 10401 authorizes the Board to consolidate the required special election to approve the transportation tax, with a statewide election held no sooner than 88 days after the order of election, in this case, the November 4, 2008 Presidential Election.

It is recommended that the Board call for a special election and direct the County Registrar of Voters to place the Stanislaus County Better Roads/Safer Streets Program Transactions and Use Tax Ordinance on the ballot for the next statewide election occurring not less than 88 days after the date of the order of election, currently slated for November 4, 2008. Passage of the Ordinance will require approval by 66.67% of the voters.

POLICY ISSUES:

The Board of Supervisors is asked to consider the request by the Stanislaus Council of Governments Policy Board to place a transportation sales tax initiative on the November 4, 2008 ballot which would, through imposition of a one-half of one percent sales tax, implement a 20-Year Countywide Transportation Financial Expenditure Plan. This request is consistent with the Board's priority of a Well Planned Infrastructure.

STAFFING IMPACT:

There are no staffing impacts associated with this item. If the ordinance is approved, StanCOG will administer the sales tax program and carry out the mission outlined in the Expenditure Plan.



City of Ceres • City of Hughson • City of Modesto • City of Newman • City of Oakdale • City of Patterson
City of Riverbank • City of Turlock • City of Waterford • County of Stanislaus

July 16, 2008

Mr. Tom Mayfield
Chairman
Board of Supervisors
1010 10th Street
Modesto, CA 95354

Subject: Adding the 2008 Transportation Ordinance Resolution to the November 4th, 2008 ballot

Dear Chairman Mayfield:

Please find attached to this letter two Resolutions. The first Resolution is 08-05, certifying the Programmatic Environmental Impact Report for the 2008 Transportation Sales Tax Program. The second Resolution (08-06), applies toward Ordinance Number 08-06 which states:

“RESOLUTION OF THE STANISLAUS COUNCIL OF GOVERNMENTS ACTING AS THE LOCAL TRANSPORTATION AUTHORITY FOR STANISLAUS COUNTY TO ADOPT ORDINANCE NUMBER 08-06 ENTITLED: STANISLAUS COUNTY BETTER ROADS/SAFER STREETS PROGRAM AND TO REQUEST THE BOARD OF SUPERVISORS OF STANISLAUS COUNTY PLACE THIS ORDINANCE ON THE NOVEMBER 4, 2008 BALLOT.”

The StanCOG Policy Board, acting as the Transit Authority, has approved the ½ Cent Sales Tax Ordinance and therefore StanCOG is requesting the Board of Supervisors to add this Measure to the November 4th, 2008 ballot.

Should you have any questions or require additional documentation, please feel to contact me.

Sincerely,

FOR Vincent J. Harris, Executive Director

cc: Rick Robinson, CEO for Stanislaus County
Stan Risen, Deputy Assistant CEO for Stanislaus County

**STANISLAUS COUNCIL OF GOVERNMENTS
RESOLUTION 08-05
A RESOLUTION CERTIFYING THE PROGRAMMATIC ENVIRONMENTAL
IMPACT REPORT FOR THE 2008 TRANSPORTATION SALES TAX PROGRAM, MAKING FINDINGS,
AND
ISSUING A STATEMENT OF OVERRIDING CONSIDERATIONS**

WHEREAS, the California Environmental Quality Act (CEQA) requires all state and local government agencies to consider the environmental consequences of projects over which they have discretionary authority before taking action on those projects; and

WHEREAS, consistent with CEQA, StanCOG has prepared an Environmental Impact Report for the 2008 Transportation Sales Tax Program which identifies potentially significant environmental impacts; and

WHEREAS, the Final EIR has been completed in compliance with CEQA; and

WHEREAS, the Final EIR was presented to the Stanislaus Council of Governments Policy Board, and the Board has reviewed and considered the information contained in the Final EIR; and

WHEREAS, the Final EIR reflects the Board's independent judgment and analysis; and

WHEREAS, the required findings, attached and incorporated herein, have been made pursuant to Public Resourced Code 21081 for each potentially significant impact identified in the Final EIR; and

WHEREAS, as identified in the Final EIR Section 2.1 – Summary of Environmental Impacts, all potentially significant impacts of the Program can be reduced to a less than significant level except for the following:

- Impact 4.1.3: The project could conflict with implementation of state goals for reducing greenhouse gas emissions and thereby have a negative effect on Global Climate Change due to CO2 emissions from vehicles.
- Impact 4.3.1: Implementation of the proposed project could result in the conversion of Important Farmland to non-agricultural uses.
- Impact 4.4.1: The proposed project could violate, either individually or cumulatively, an LOS standard established by the County congestion management agency for designated roads or highways and would create the need for capacity-enhancing alterations to existing facilities.
- Impact 4.5.2: Traffic associated with operation of the StanCOG half-cent funded regional corridor and local traffic improvement and road maintenance projects would result in an increase in ambient noise levels in the vicinity of the roadways.
- Impact 4.6.2: The Transportation Sales Tax Program would fund many regional corridor projects and local traffic improvements and road maintenance projects, which would result in a cumulative increase in operational emissions of criteria air pollutants (ROG, NOx, CO, PM10, and PM2.5) from on-road motor vehicle traffic.

- Impact 4.9.4: Potential disturbance or loss of special-status plant populations as a result of regional and local projects.
- Impact 4.10.1 Activities associated with the future projects may cause substantial adverse effects to previously unknown significant archaeological resources.
- Impact 4.10.4: Construction of future projects could adversely affect historic architectural resources through demolition or significant changes to the historical setting.
- Impact 6.1: Potential to induce future population growth.

WHEREAS, as identified in the Statement of Overriding Considerations for the 2008 Transportation Sales Tax Program, attached and incorporated herein, based on the entire record, the economic and social benefits for Stanislaus County outweigh the significant unavoidable environmental effects that would result from the implementation of the Program.

NOW, THEREFORE, BE IT RESOLVED, that the Stanislaus Council of Governments certifies the Final Environmental Impact Report for the 2008 Transportation Sales Tax Program, making findings, and issuing a statement of overriding considerations.

The foregoing Resolution was introduced at a regular meeting of the Stanislaus Council of Governments on the 9th day of July, 2008. A motion was made and seconded to adopt the foregoing Resolution. Motion carried and the Resolution was adopted.

MEETING DATE: July 9 2008



FARRELL JACKSON, CHAIR

ATTEST:

VINCENT J. HARRIS, EXECUTIVE DIRECTOR



**RESOLUTION OF THE STANISLAUS COUNCIL OF GOVERNMENTS
ACTING AS THE LOCAL TRANSPORTATION AUTHORITY FOR STANISLAUS
COUNTY TO ADOPT ORDINANCE NUMBER 08-06 ENTITLED: STANISLAUS
COUNTY BETTER ROADS/SAFER STREETS PROGRAM AND TO REQUEST THE
BOARD OF SUPERVISORS OF STANISLAUS COUNTY PLACE THIS ORDINANCE
ON THE NOVEMBER 4, 2008 BALLOT**

WHEREAS, the Stanislaus Council of Governments is designated the Stanislaus County Local Transportation Authority, pursuant to the provisions of Public Utilities Code Section I, Division 19 commencing with Section 180000; and

WHEREAS, pursuant to the provisions of Public Utilities Code a retail transactions and use tax ordinance applicable in the incorporated and unincorporated territory of a county may be imposed by the authority if the tax ordinance is adopted by a two-thirds vote of the authority and imposition of the tax is subsequently approved by a two-thirds vote of the electors voting on the measure at a special election called for that purpose by the board of supervisors, at the request of the authority, and a county transportation expenditure plan is adopted; and

WHEREAS, the Stanislaus County Board of Supervisors, and all the Cities of Stanislaus County have approved the Transportation Expenditure Plan which complies with the requirements of the Public Utilities Code; and

WHEREAS, the Stanislaus Council of Governments acting as the Local Transportation Authority for Stanislaus County has prepared the attached ordinance entitled the Stanislaus County Better Roads/Safer Streets Program ("Ordinance") to be taken to the voters; and

WHEREAS, the Stanislaus Council of Governments introduced and waived the first reading of the Ordinance at its regular meeting held on June 11, 2008; and

WHEREAS, the Stanislaus Council of Governments has complied with the publication and notice requirements required by law for adoption of the Ordinance; and

WHEREAS, the Stanislaus Council of Governments has complied with the requirements of the California Environmental Quality Act for the adoption of the Ordinance;

NOW, THEREFORE, BE IT RESOLVED, the Stanislaus Council of Governments acting as the Local Transportation Authority for Stanislaus County adopts the attached Ordinance entitled "Stanislaus County Better Roads/Safer Streets Program" and the accompanying attachments including the 20-Year Countywide Transportation ½ Cent Sales Tax Measure Financial Expenditure Plan attached thereto as Exhibit A; and

BE IT FURTHER RESOLVED, the Stanislaus Council of Governments acting as the Local Transportation Authority for Stanislaus County requests the Board of Supervisors of Stanislaus County place the Ordinance before the voters on the November 4, 2008 ballot pursuant to California Public Utilities Code section 180203 with the title and ballot language to read as follows:

Title:

Stanislaus County Better Roads/Safer Streets Program

Ballot Language:

Authorize a half-cent sales tax for 20 years, with ongoing citizens oversight, securing state/federal matching funds for countywide improvements, including:

- Improving safety/reducing congestion on local highways;
- Improving intersections and synchronizing traffic signals;
- Improving emergency response times for police/fire;
- Enhancing student safety around schools;
- Improving travel along east-west corridors;
- Retrofitting/replacing bridges; and
- Filling potholes, fixing, widening and extending local roads.

YES X NO _____


PASSED AND ADOPTED this 9th day of July 2008, by the following votes of the Stanislaus Council of Governments, to wit;

AYES: 11

NOES: 0

ABSENT: 5

ABSTAIN: 0


FARRELL JACKSON, CHAIR

ATTEST:


VINCENT J. HARRIS, EXECUTIVE DIRECTOR

V:StanCOG/HARRIS/Fin Exp Pln/2008 StanCOG Ordinance Resolution