



MEETING NOTICE AND CALL
Madera County Transportation Authority
SPECIAL MEETING

PLEASE TAKE NOTICE OF CALL FOR A SPECIAL MEETING CALLED BY
CHAIR TOM WHEELER

LOCATION

**Madera County Transportation Commission
2001 Howard Road, Suite 201
Madera, California 93637**

SPECIAL NOTICE: Precautions to address COVID-19 (a.k.a. the “Coronavirus”) will apply to this meeting. See below Special Notice for additional details.

DATE

August 05, 2022

TIME

11:00 AM

Policy Board Members

Commissioner Tom Wheeler, Chair
Commissioner Diana Palmer, Vice Chair
Commissioner Cecelia Gallegos
Commissioner Jose Rodriguez
Commissioner Brett Frazier
Commissioner Robert Poythress

Madera County Supervisor
Councilmember, City of Chowchilla
Councilmember, City of Madera
Councilmember, City of Madera
Madera County Supervisor
Madera County Supervisor

Representatives or individuals with disabilities should contact MCTA at (559) 675-0721 at least one (1) business day in advance of the meeting to request auxiliary aids or other accommodations necessary to participate in the public meeting.

In compliance with Government Code §54952.3, compensation for legislative body members attending the following simultaneous meeting is \$100. Compensation rate is set pursuant to the rules of the Madera County Transportation Commission.

SPECIAL NOTICE

Important Notice Regarding COVID 19

The Special Meeting of August 05, 2022 will take place remotely in accordance with Government Code Section 54953(e) et seq. (AB 361), and Resolution No. 21-15 Amendment No. 10, as adopted by the Madera County Transportation Authority on July 20, 2022. The meeting will be conducted through a hybrid combination of in-person and/or all virtual attendance of the six members of the Transportation Authority Board via teleconference using the Zoom platform. Public is highly encouraged using the virtual platform via a computer, tablet, or smartphone.

Please click the link below to join the webinar:

<https://us06web.zoom.us/j/89884773112?pwd=NHJTS2FSU0NvaUE4RGE0RDJWUTVhdz09>

Passcode: 549424

You can also dial in using your phone

1 (408) 638-0968 or 1 (669) 900-6833

Webinar ID: 898 8477 3112 Passcode: 549424

If you wish to make a comment on a specific agenda item during the meeting, please use the “Raise Hand” feature in Zoom and you will be called on by the chair during the meeting. You can also submit your comments via email to publiccomment@maderactc.org. Comments will be shared with the Transportation Authority Board and placed into the record at the meeting. Every effort will be made to read comments received during the meeting into the record, but some comments may not be read due to time limitations. Comments received after an agenda item will be made part of the record if received prior to the end of the meeting.

Regarding any disruption that prevents The Authority Board from broadcasting the meeting to members of the public, then (1) if public access can be restored quickly, the meeting will resume in five (5) minutes to allow re-connection of all members of the Board and members of the public; or (2) if service cannot be restored quickly, the meeting shall stop, no further action shall be taken on the remaining agenda items and notice of the continued meeting will be provided.

AGENDA

At least 24 hours prior to each Special MCTA meeting, a complete agenda packet is available for review on the [MCTC website](#) or at the MCTC office, 2001 Howard Road, Suite 201, Madera, California 93637. All public records relating to an open session item and copies of staff reports or other written documentation relating to items of business referred to on the agenda are on file at MCTA. Persons with questions concerning agenda items may call MCTA at (559) 675-0721 to make an inquiry regarding the nature of items described in the agenda.

INTERPRETING SERVICES

Interpreting services are not provided at MCTA's public meeting unless requested at least one (1) business days in advance. Please contact MCTA at (559) 675-0721 during regular business hours to request interpreting services.

Servicios de interprete no son ofrecidos en las juntas públicas de MCTA al menos de que se soliciten con uno (1) días de anticipación. Para solicitar estos servicios por favor contacte a Evelyn Espinosa at (559) 675-0721 x 5 durante horas de oficina.

MEETING CONDUCT

If this meeting is willfully interrupted or disrupted by one or more persons rendering orderly conduct of the meeting unfeasible, the Chair may order the removal of individuals who are willfully disrupting the meeting. Such individuals may be arrested. If order cannot be restored by such removal, the members of the Board may direct that the meeting room be cleared (except for representatives of the press or other news media not participating in the disturbance), and the session may continue.

RECORD OF THE MEETING

Board meetings are recorded. Copies of recordings are available upon request, or recordings may be listened to at the MCTA offices by appointment.

Agenda

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **PUBLIC COMMENT**

This time is made available for comments from the public on matters within the Board’s jurisdiction that are not on the agenda. Each speaker will be limited to three (3) minutes. Attention is called to the fact that the Board is prohibited by law from taking any substantive action on matters discussed that are not on the agenda, and no adverse conclusions should be drawn if the Board does not respond to the public comment at this time. It is requested that no comments be made during this period on items that are on today’s agenda. Members of the public may comment on any item that is on today’s agenda when the item is called and should notify the Chairman of their desire to address the Board when that agenda item is called.

MCTC SITTING AS THE MADERA COUNTY 2006 TRANSPORTATION AUTHORITY

4. **AUTHORITY – ADMINISTRATIVE CONSENT ITEMS**

All items on the consent agenda are considered routine and non-controversial by MCTC staff and will be approved by one motion if no member of the Authority or public wishes to comment or ask questions. If comment or discussion is desired by anyone, the items will be removed from the consent agenda and will be considered in the listed sequence with an opportunity for any member of the public to address the Authority concerning the item before action is taken.

NONE

OTHER ITEMS

5. **AUTHORITY – ACTION/DISCUSSION ITEMS**

5-A. Consider Adoption of an Ordinance – Before the Madera County 2006 Transportation Authority Ordinance No. 2022-01 (Measure T)

Enclosure: Yes

Action: Waive reading and Adopt Ordinance No. 2022-01

5-B. Confirmation and reiteration of a call for special election, to be consolidated with the general election, by the Board of Supervisors; approve Measure T Renewal Investment Plan and Implementing Guidelines; and request extension of the Authority’s term – Resolution 2022-04

Enclosure: Yes

Action: Approve Resolution 2022-04 confirming and reiterating a call for a special election by the Board of Supervisors on a retail transaction and use tax ordinance, consolidation of the election with a statewide general election to be held on November 8, 2022, approving the 2022 Measure T Renewal Investment Plan and Implementing Guidelines, and requesting the extension of the Authority's term and certain related matters

6. MISCELLANEOUS

6-A. Items from Staff

6-B. Items from Caltrans

6-C. Items from Commissioners

7. ADJOURNMENT

***Items listed above as information still leave the option for guidance/direction actions by the Board.**



STAFF REPORT
Board Meeting of August 5, 2022

AGENDA ITEM: 5-A
PREPARED BY: Patricia Taylor, Executive Director

SUBJECT:

Consider Adoption of an Ordinance – Before the Madera County 2006 Transportation Authority Ordinance No. 2022-01 (Measure T)

Enclosure: Yes

Action: Waive reading and Adopt Ordinance No. 2022-01

SUMMARY:

At its meeting on July 20, 2022, the Authority previously adopted an Ordinance to implement State law allowing the voters to decide upon a one-half of one percent (1/2%) county wide transaction and use tax to be used to finance street, road, highway, transit, and transportation improvements within the incorporated and unincorporated areas of Madera County. The 2022 Measure T Renewal Investment Plan and Implementing Guidelines were included as part of the Ordinance.

A question regarding a signature, etc., was subsequently raised regarding this item. Staff believes that the issue is without basis. However, out of an abundance of caution, and to promote transparency and to make clear of its intent, staff recommends the Authority waive the reading and adopt Ordinance No. 2022-01 again.

These actions duplicate those taken by the Authority during the meeting on July 20, 2022, regarding item 10-C. As a result, all comments that were made on that item are also incorporated into the record on this item.

FISCAL IMPACT:

No fiscal impact to the approved 2022-23 Overall Work Program and Budget.

**BEFORE THE
MADERA COUNTY
2006 TRANSPORTATION AUTHORITY
ORDINANCE NO. 2022-01**

WHEREAS, since 1990, transportation improvements in Madera County have been supported by a ½ cent sales tax, currently known as Measure T, which has funded many important transportation improvements that have been completed or are in progress in communities throughout Madera County; and

WHEREAS, Measure T has funded highway and interchange upgrades, road repair and improvements, public transit, bike and pedestrian safety and other programs to relieve traffic congestion, improve air quality, and provide safe and affordable transportation options for all residents throughout Madera County; and

WHEREAS, Measure T provides approximately over \$12 million per year in locally controlled funding for local transportation projects and has allowed the County to leverage over \$226 million in state and federal matching funds to make priority repairs and transportation improvements to meet Madera County’s transportation needs; and

WHEREAS, Measure T provides local control by directly funding transportation improvements in the City of Chowchilla, City of Madera, and communities throughout unincorporated Madera County; and

WHEREAS, keeping roads and highways in good condition and enhancing mobility helps protect public safety by allowing police, firefighters, and ambulances to respond quickly to emergencies and ensuring first responders are not stuck in traffic or slowed-down by failing infrastructure; and

WHEREAS, public transit is a lifeline for senior citizens and people with disabilities that depend on affordable buses, paratransit and dial-a-ride to get to doctor’s appointments, the grocery store, and to remain independent when they cannot drive; and

WHEREAS, Madera County’s transportation system is the backbone of our regional economy, allowing local farmers and businesses to move produce and products to market, creating good jobs for local residents; and

WHEREAS, since it was approved by voters, Measure T has required a clear system of accountability, including a Citizen’s Oversight Committee and annual independent audits to ensure that the money from the measure has been spent appropriately and in accordance with the voter-approved expenditure plan; and

WHEREAS, in the past 30 years, Madera County’s population has nearly doubled, and experts forecast that it will continue to grow at a fast rate requiring continued investment in local highways, interchanges, and major streets to keep up with this growth, enhance mobility, and protect local quality of life; and

WHEREAS, Measure T was approved with a 20-year expiration date and this funding will soon expire unless renewed by voters; and

WHEREAS, if Measure T funding expires, City of Chowchilla, City of Madera, and Madera County will lose a major source of funding for fixing potholes, paving and maintaining streets and roads, reducing enhancing mobility, improving highway interchanges, retrofitting older bridges and overpasses, improving highway safety, providing students with safe routes to schools, keeping public transit affordable and improving bicycle and pedestrian safety; and

WHEREAS, if Measure T funding expires, Madera County will not have the local matching funds needed to compete for an estimated \$600 million in State and Federal transportation funding and those funds would go to other communities like Los Angeles and San Francisco; and

WHEREAS, the Madera County 2006 Transportation Authority (the “Authority”) desires to submit to the voters at the General Municipal Election on November 8, 2022, a ballot measure to consider adopting a proposed ordinance to renew Measure T (“Measure T Renewal”); and

WHEREAS, renewing Measure T without increasing the tax rate will continue locally controlled funding for transportation repairs and improvements; and

WHEREAS, renewing Measure T until ended by a vote of the electorate will ensure such funding for as long as voters desire to complete all the projects contemplated by the measure renewal; and

WHEREAS, essential purchases like food and groceries are exempt from the Measure T ½ cent sales tax, helping to ensure the cost is not a burden to those on fixed or limited incomes; and

WHEREAS, the Measure T ½ cent sales tax is paid by both residents and visitors shopping in Madera County, including visitors traveling to and from Yosemite, to ensure all users of local roads and transportation infrastructure contribute; and

WHEREAS, a measure to renew Measure T funding will continue to require strict fiscal accountability protections including a Citizen's Oversight Committee, annual independent audits and public disclosure of all spending; and

WHEREAS, if Measure T is renewed, by law, all of the money must stay in Madera County for local transportation improvements only and cannot be taken away by the State or used for other purposes; and

WHEREAS, California Public Utilities Code Section 180201 provides that after approval of a proposed retail transactions and use ordinance by the Authority the

proposed tax ordinances must be approved by a two-thirds majority vote of the electors at a special election; and

WHEREAS, the Authority wishes to have the voters consider the Measure T Renewal at a General Municipal Election to be held on November 8, 2022, with the renewal tax to commence following expiration of the current tax; and

NOW THEREFORE, THE MADERA COUNTY 2006 TRANSPORTATION AUTHORITY ORDAINS AS FOLLOWS:

NOW THEREFORE, THE PEOPLE OF THE COUNTY OF MADERA ORDAIN AS FOLLOWS:

SECTION 1

Purpose and Intent. The purpose of this Ordinance is to implement State law allowing the voters to decide upon a one-half of one percent (1/2%) county wide transaction and use tax to be used to finance street, road, highway, public transit, and transportation improvements within the incorporated and unincorporated areas of Madera County, California, as further described in this Ordinance.

SECTION 2

Countywide Transaction, and Use Tax. There is hereby imposed in the incorporated and unincorporated territory of the County of Madera (“the territory of the Authority”), a transaction and use tax at the rate of one-half of one percent (1/2%) in addition to any existing or future authorized state or local sales tax or transaction and use tax, in accordance with Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code, and as authorized by Section 180206 of the Public Utilities Code.

SECTION 3

Use of Tax Proceeds. Proceeds of the tax imposed by this Ordinance shall be deposited into the appropriate fund of the Madera County 2006 Transportation Authority and shall be used for the following purposes and projects, as described more particularly in the 2022 Measure T Renewal Investment Plan, dated July 20, 2022, and prepared by the Madera County Transportation Authority (“Investment Plan”), which is incorporated herein by this reference as though fully set forth herein, and as that Investment Plan may be amended from time to time pursuant to applicable law:

- A. The revenue from the transaction and use tax shall be allocated by the Authority as follows: for street, road, highway, public transit, clean air, new technology, and other transportation-related improvements within the incorporated and unincorporated areas of Madera County; for all purposes related to such improvements, including, but not limited to, administration

of the transaction and use tax, legal actions relating to the transaction and use tax, planning, design, engineering, environmental review, and construction. The revenue from the transaction and use tax shall also be used to reimburse the County of Madera for the County's costs in conducting an election called by the Board of Supervisors regarding the imposition of the transaction and use tax.

- B. The Authority shall annually divide the transactions and use tax revenues among the incorporated cities located within the County of Madera, and with the County of Madera (except for those funds allocated to the Major Routes, Access and Safety Improvements Program). The division of funds shall be on the basis of the percentage of total County population residing within the jurisdiction of the respective incorporated cities and within the unincorporated areas of the County of Madera. For purposes of calculating these percentages, the Authority shall rely on the then-current population figures furnished by the State Department of Finance.

The governing bodies of the respective cities, and of the County of Madera, shall designate the particular application of funds allocated to their jurisdiction, for street, road, highway, public transit and other transportation related improvement programs, purposes, and projects, subject to the approval of the Authority, as reflected in the 2022 Measure T Renewal Investment Plan Implementing Guidelines.

- C. Funds allocated for street, road, highway, public transit, and other transportation-related improvement programs, purposes, and projects shall be allocated according to the following formula:

- (1) 62.5 percent - Community & Neighborhood Streets & Road Program to be allocated as follows:

35% of the Measure funding will be allocated to the Local and Neighborhood Street Maintenance & Pothole Repairs Subprogram for "Fix-It-First" activities and programs. Projects include pothole repair, asphalt overlay, and other road maintenance activities.

15% of the Measure funding will be allocated to the Community & Neighborhood Streets and Roads Subprogram for needs that each of the cities and Madera County can allocate to other street and road improvements (including Maintenance Districts).

12.5% of the Measure funding will be allocated to the Local Flexibility Subprogram for transportation needs including local streets and roads, rehabilitating aged local systems and other local street and road improvements, safe routes to school improvements, pedestrian, bicycle, and trail improvements, enhanced public transit

improvements, and/or other transportation improvements so that they can address their own individual transportation needs over the life of the Measure.

- (2) 25 percent - Major Routes, Access and Safety Improvements Program to be allocated for improvements on major corridors, interchange modifications, and other improvement projects along State Highways, and major arterials throughout the County. These projects will enhance connections within the urban area and access between the cities and rural communities.
- (3) 4 percent - Public Transit Program to be allocated to transit systems and services throughout the County, including Chowchilla Transit, Madera Transit, and Madera County Connection.
- (4) 4 percent - Safe Routes to School and Pedestrian and Bike Safety Program will be allocated for improvements, including bicycle, pedestrian, and trail projects, safe routes to school, access for people with disabilities, and other safety-related improvements.
- (5) 3 percent - Clean Air and New Technology Program for clean transportation projects and programs and other projects that will improve air quality, address climate change, and improve health.
- (6) 1.5 percent - Administration and Planning Program for administration and planning activities of the Authority and Madera County Transportation Commission.

D. Transactions and use tax revenues, once divided as set forth in Section 3, Paragraph C, herein, shall thereafter be segregated into separate funds for each of the respective entities: the incorporated cities located within the County of Madera, and the unincorporated areas of the County of Madera.

SECTION 4

Collection of Tax. The Authority shall contract with the California Department of Tax and Fee Administration to perform all functions incidental to the administration and operation of this Ordinance, including collection of the additional transaction and use tax imposed by this Ordinance.

SECTION 5

Effective and Operative Dates. This Ordinance shall become operative, if approved by a two-thirds majority vote of the electors, on the first day of the first calendar quarter commencing more than 110 days after the adoption of this Ordinance. The provisions of this Ordinance pertaining to the collection of transactions and use taxes will become effective, and such taxes will begin being collected on April 1, 2027.

SECTION 6

Term. The provisions of this Ordinance pertaining to collection of the transactions and use tax shall be in force and in effect until terminated by a vote of the electors. This Ordinance may be terminated earlier by a majority vote of the Authority members, if the members determine, following a public hearing, that the purposes of the tax have been fulfilled and that an earlier termination is in the public interest and there are no obligations outstanding.

Notwithstanding that this Ordinance, including the transaction and use tax, may be terminated by voters or the Authority as provided herein, the transaction and use tax or any portion of it, if permitted, shall continue in effect until all contractual obligations related to it are fulfilled. Nothing contained in this Ordinance, including termination of the transactions and use tax, shall permit or be deemed or construed to allow an impairment of any contract for the issuance of bonds or other indebtedness (or alter or affect any provision, condition or covenant in any contract for the issuance of bonds or other indebtedness, or affect or impair any rights, powers or remedies thereunder), it being the intent hereof that the provisions of any such contract shall each continue in full force and effect, with the transaction and use tax continuing in effect until such contractual obligations are paid and such covenants are no longer in effect.

SECTION 7

Appropriation Limit. The maximum annual appropriation limit for the Authority is \$30,000,000 (Thirty Million Dollars), subject to adjustment or increase as provided by law.

SECTION 8

Implementation. Upon approval of this Ordinance by two-thirds majority of the voters, the Authority may adopt policies and take such other action for the implementation of the one-half of one percent (1/2%) transaction and use tax authorized by this Ordinance.

SECTION 9

Bonds. The Authority is hereby authorized to issue bonds to finance expenditures to carry out the purposes of this transactions and use tax, in accordance with the terms and conditions specified in California Public Utilities Code Section 180250 *et. seq.*, successor legislation and/or as permitted by applicable law. Bonds are authorized in the maximum amount permitted by law to fund the projects authorized in the Investment Plan. Bonds, bond anticipation notes or other indebtedness may be issued prior to collection of the tax to fund projects secured or paid in whole or in part, as the case may be, by future bonds, tax revenues, other available revenues and/or capitalized interest to the extent permitted by applicable law.

SECTION 10

Interpretation. This Ordinance is to be interpreted to accomplish, among other purposes, the following:

- 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 7285.9 of Part 1.7 of Division 2 which authorizes the Authority to adopt this tax ordinance which shall be operative if a two-thirds 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 that 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 tax and provides a measure therefore that can be administered and collected by the California Department of Tax and Fee Administration 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 California Department of Tax and Fee Administration 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 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.

SECTION 11

Contract with State. Prior to the operative date of this Ordinance, the Authority shall contract with the California Department of Tax and Fee Administration 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 California Department of Tax and Fee Administration 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 the contract.

SECTION 12

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 Authority (i.e. Madera County, including the incorporated cities and the unincorporated area of the County) at the rate of one-half of one percent (1/2%) of the gross receipts of any retailer from the sale of all tangible personal property sold at retail on and after the operative date of this Ordinance.

SECTION 13

Place of Sale. For the purposes of this Ordinance, all retail sales are consummated at the place of business of the retailer (seller) 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. 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 California Department of Tax and Fee Administration.

SECTION 14

Use Tax Rate. An excise tax is hereby imposed on the storage, use or other consumption, in the incorporated and unincorporated territory of the County (i.e. the territory of the Authority), of tangible personal property purchased from any retailer on and after the operative date of this Ordinance, for storage, use, or other consumption at the rate of one-half of one percent (1/2%) of the sales price of the property. The sales price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made.

SECTION 15

Adoption of Provisions of State Law. 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, except as otherwise provided in this Ordinance and except as such provisions are inconsistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code.

SECTION 16

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. There shall be no such substitution made, however, when:
- (1) The word "State" is used as part of the title of the State Controller, State Treasurer, 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 California Department of Tax and Fee Administration, 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 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 provisions of that code;
 - (4) Appearing in Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797, or 6828 of the Revenue and Taxation Code.
- B. The words "Authority's territory" or "Madera County" shall be substituted for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 of the Revenue and Taxation Code and in the definition of that phrase in Section 6203.
- C. "A retailer engaged in business in the Authority" shall also include any retailer that, in the preceding calendar year or the current calendar year, has total combined sales of tangible personal property in this state or for delivery in the State by the retailer and all persons related to the retailer that exceeds five hundred thousand dollars (\$500,000). For purposes of this section, a person is related to another person if both persons are related to each other pursuant to Section 267(b) of Title 26 of the United States Code and the regulations thereunder.

SECTION 17

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 seller's permit shall not be required by this Ordinance.

SECTION 18

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 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 of Madera in which sale is made 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 incorporated and unincorporated territory of the Authority which is shipped to a point outside the territory of the Authority, pursuant to the contract of sales, 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 purposes of this paragraph, delivery to a point outside the territory of the Authority 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 Chapter (commencing with Section 9840) of Division 3.5 of the Vehicle Code by registration to an address outside the territory of the Authority and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, the buyer's principal place of residence; and

- (b) With respect to commercial vehicles subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, by registration to a place of business outside the territory of the Authority and a 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 subsections (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 of lease upon notice, whether or not such right is exercised.
- C. There is exempted from the use tax imposed by this Ordinance the storage, use, or other consumption in the territory of the Authority 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 Section 6366 and 6366.1 of the Revenue and Taxation Code.
 - (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 subsections (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 subsection (7) of this section, a retailer engaged in business in the territory of the Authority 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 territory of the Authority or participates within the territory of the Authority 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 canvasser, solicitor, subsidiary, or person in the territory of the Authority under the authority of the retailer.
- (7) “Retailer engaged in business in the Authority” shall also include any retailer 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 Chapter 2 (commencing with Section 9840) of Division 3.5 of the Vehicle Code. That retailer shall be required to collect use tax from any purchaser who registers or licensed the vehicle, aircraft, or vessel at an address in the territory of the Authority.
- D. Any person subject to use tax under this Ordinance may credit against that tax any transactions tax or reimbursement for a transactions tax paid to a district imposing, or retailer liable for, a transactions tax pursuant to Part 1.6 of Division 2 of the Revenue and Taxation Code with respect to the sale to the person of the property the storage, use, or other consumption of which is subject to the use tax.

SECTION 19

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 of Division 2 of the Revenue and Taxation Code, all amendments to Part 1.6 of Division 2 of the Revenue and Taxation Code, and

all amendments to Division 19 of the Public Utilities 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 20

Enjoining Collection Prohibited. No injunction, 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 21

Accountability Measures. Pursuant to and in compliance with the provisions of Government Code Section 50075.1, the Authority hereby establishes the following accountability measures pertaining to the levy of the Special Tax described in Section 2 of this Ordinance:

- (i) Such Special Tax shall be levied for the specific purposes set forth in Sections 1 and 3 hereof.
- (ii) The proceeds of the levy of such Special Tax shall be applied only to the specific purposes set forth in Section 1 and 3 hereof.
- (iii) The Authority shall establish an account or accounts into which the proceeds of such Special Tax shall be deposited.
- (iv) The Executive Director and/or Chief Fiscal Officer shall annually file a report with the Board as required pursuant to Government Code Section 50075.3.

SECTION 22

Severability. If any section, part, clause, or phrase of this Ordinance is for any reason held invalid or unconstitutional, the remaining portions shall not be affected but shall remain in full force and effect.

The foregoing Ordinance was Passed and Adopted by the Madera County 2006 Transportation Authority this 20th day of July, 2022, and August 5, 2022, by the following vote:

7/20/22

8/5/22

| | | |
|------------------------|------------|-------|
| Commissioner Wheeler | <u>Yes</u> | _____ |
| Commissioner Palmer | <u>Yes</u> | _____ |
| Commissioner Gallegos | <u>Yes</u> | _____ |
| Commissioner Rodriguez | <u>Yes</u> | _____ |
| Commissioner Frazier | <u>Yes</u> | _____ |
| Commissioner Poythress | <u>Yes</u> | _____ |

Chair, Madera County 2006
Transportation Authority

Attest:

By: _____
Secretary of the Authority

Approved as to Legal Form:

By: _____
Authority Counsel

The foregoing Ordinance was adopted by the people of County of Madera by a vote on _____ as provided in the Certification of the Election by the [County Clerk].



STAFF REPORT
Board Meeting of August 5, 2022

AGENDA ITEM: 5-B
PREPARED BY: Patricia Taylor, Executive Director

SUBJECT:

Confirmation and reiteration of a call for special election, to be consolidated with the general election, by the Board of Supervisors; approve Measure T Renewal Investment Plan and Implementing Guidelines; and request extension of the Authority's term – Resolution 2022-04

Enclosure: Yes

Action: Approve Resolution 2022-04 confirming and reiterating a call for a special election by the Board of Supervisors on a retail transaction and use tax ordinance, consolidation of the election with a statewide general election to be held on November 8, 2022, approving the 2022 Measure T Renewal Investment Plan and Implementing Guidelines, and requesting the extension of the Authority's term and certain related matters

SUMMARY:

At its meeting on July 20, 2022, the Authority previously approved a resolution calling for a special election, approving the Investment Plan and Implementing Guidelines, etc. A question regarding a signature, etc., was subsequently raised.

Staff believes that the issue is without basis. However, out of an abundance of caution, and to promote transparency and to make clear of its intent, Staff recommends the Authority confirm and reiterate its request of a call for a special election by the Board of Supervisors on a retail transactions and use tax ordinance, consolidation of the election with the statewide general election to be held on November 8, 2022, approving the Investment Plan and Implementation Guidelines, and requesting the extension of the Authority's term and certain related matters.

Included in your package is Resolution 2022-04. As part of this resolution, the following actions will be taken:

1. Requests the Madera County Board of Supervisors to call for a special election on a retail transaction and use tax ordinance.
2. Requests the Madera County Board of Supervisors to consolidate the special election request with the statewide general election to be held on November 8, 2022.
3. Approves the 2022 Measure T Renewal Investment Plan and Implementing Guidelines
4. Requests the extension of the Madera County 2006 Transportation Authority.

5. Approves ballot question.

These actions duplicate those taken by the Authority during the meeting on July 20, 2022, regarding Item 10-B. As a result, all comments that were made on that Item are also incorporated into the record on this Item.

FISCAL IMPACT:

No fiscal impact to the approved 2022-23 Overall Work Program and Budget.

Resolution No.: 2022-04

RESOLUTION CONFIRMING AND REITERATING THE REQUEST OF A CALL FOR A SPECIAL ELECTION BY THE BOARD OF SUPERVISORS ON A RETAIL TRANSACTIONS AND USE TAX ORDINANCE, CONSOLIDATION OF THE ELECTION WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON NOVEMBER 8, 2022, APPROVING THE INVESTMENT PLAN AND IMPLEMENTATION GUIDELINES, AND REQUESTING THE EXTENSION OF THE AUTHORITY’S TERM AND CERTAIN RELATED MATTERS

BEFORE
THE MADERA COUNTY 2006
TRANSPORTATION AUTHORITY

In the Matter of)
SPECIAL ELECTION ON RETAIL)
TRANSACTIONS AND USE TAX)
ORDINANCE-Measure T Renewal)
)
)
_____)

WHEREAS, since 1990, transportation improvements in Madera County have been supported by a ½ cent sales tax, currently known as Measure T, which has funded many important transportation improvements that have been completed or are in progress in communities throughout Madera County; and

WHEREAS, the Madera County Board of Supervisors created the Madera County 2006 Transportation Authority (the “Authority”) to enact, implement and administer the Measure T ½ cent sales tax; and

WHEREAS, Measure T has funded highway and interchange upgrades, road repair and improvements, public transit, bike and pedestrian safety and other programs to relieve traffic congestion, improve air quality, and provide safe and affordable transportation options for all residents throughout Madera County; and

WHEREAS, Measure T provides approximately \$12 million per year in locally controlled funding for local transportation projects and has allowed the County to leverage

over \$226 million in State and Federal matching funds to make priority repairs and transportation improvements to meet Madera County's transportation needs; and

WHEREAS, Measure T provides local control by directly funding transportation improvements in the City of Chowchilla, City of Madera, and communities throughout unincorporated Madera County; and

WHEREAS, keeping roads and highways in good condition and enhancing mobility helps protect public safety by allowing police, firefighters, and ambulances to respond quickly to emergencies and ensuring first responders are not stuck in traffic or slowed-down by failing infrastructure; and

WHEREAS, public transit is a lifeline for senior citizens and people with disabilities that depend on affordable buses, paratransit and dial-a-ride services to get to doctor's appointments, the grocery store, and to remain independent when they cannot drive; and

WHEREAS, Madera County's transportation system is the backbone of our regional economy, allowing local farmers and businesses to move produce and products to market, creating good jobs for local residents; and

WHEREAS, since it was approved by voters, Measure T has required a clear system of accountability, including a Citizen's Oversight Committee and annual independent audits to ensure that the money from the measure has been spent appropriately and in accordance with the voter-approved expenditure plan; and

WHEREAS, in the past 30 years, Madera County's population has nearly doubled, and experts forecast that it will continue to grow at a fast rate requiring continued investment in the maintenance of local streets and roads, interchanges, major streets, enhanced transit, active transportation, and clean air and new technology to keep up with this growth. These investments will provide enhanced mobility, and protect local quality of life; and

WHEREAS, Measure T was approved with a 20-year expiration date and this funding will soon expire unless renewed by voters; and

WHEREAS, if Measure T funding expires, the City of Chowchilla, City of Madera, and Madera County will lose a major source of funding for fixing potholes, paving and maintaining streets and roads, reducing enhancing mobility, improving highway interchanges, retrofitting older bridges and overpasses, improving highway safety, providing students with safe routes to schools, keeping public transit affordable and improving bicycle and pedestrian safety; and

WHEREAS, if Measure T funding expires, Madera County will not have the local matching funds needed to compete for an estimated \$600 million in State and Federal transportation funding and those funds would go to other communities like Los Angeles and San Francisco; and

WHEREAS California Public Utilities Code Section 180201 provides that a transaction and use tax may be imposed and/or extended if the tax ordinance is approved by a two-thirds vote of the Authority members and by a two-third majority vote of the electors at a special election; and

WHEREAS, the Authority desires to submit to the voters at the General Election on November 8, 2022, a ballot measure to consider adopting a proposed ordinance to renew Measure T (“Measure T Renewal”); and

WHEREAS, renewing Measure T without increasing the tax rate will continue locally controlled funding for transportation repairs and improvements; and

WHEREAS, renewing Measure T until ended by a vote of the electorate will ensure such funding for as long as voters desire to complete all the projects contemplated by the measure renewal; and

WHEREAS, essential purchases like food and groceries are exempt from the Measure T ½ cent sales tax, helping to ensure the cost is not a burden to those on fixed or limited incomes; and

WHEREAS, the Measure T ½ cent sales tax is paid by both residents and visitors shopping in Madera County, including visitors traveling to and from Yosemite, to ensure all users of local roads and transportation infrastructure contribute; and

WHEREAS, a measure to renew Measure T funding will continue to require strict fiscal accountability protections, including a Citizen's Oversight Committee, annual independent audits, and public disclosure of all spending; and

WHEREAS, if Measure T is renewed, by law, all of the money must stay in Madera County for local transportation improvements only and cannot be taken away by the State or used for other purposes; and

WHEREAS, pursuant to Public Utilities Code Section 180206, the Authority has prepared a county transportation expenditure plan, known as the Measure T Renewal Investment Plan (“Investment Plan”), to be used in connection with a renewal of Measure T beyond 2027; and

WHEREAS, the Investment Plan was prepared with the assistance of a steering committee comprising of stakeholders, community leaders, and representatives of the cities in the County and the County; and

WHEREAS, community surveys, mailers, public opinion polling, and public meetings were held to gain input from the community; and

WHEREAS, pursuant to Public Utilities Code Section 180006, the Investment Plan was approved by the City of Madera on July 6, 2022, the City Chowchilla on July 12, 2022, and the County of Madera on July 12, 2022; and

WHEREAS, the Investment Plan is attached hereto as Exhibit A and by this reference incorporated herein; and

WHEREAS, the Authority’s Implementation Guidelines are attached as Exhibit B hereto and by this reference incorporated herein; and

WHEREAS, in connection with the requests herein, the Authority also requests the County approve an extension of the term of the Authority to continue funding transportation projects until all projects desired by the voters are complete.

WHEREAS, on July 20, 2022, the Authority approved Resolution 2022-03. To promote transparency and to make clear of its intent, the Authority desires to confirm and reiterate its request of a call for a special election by the Board of Supervisors on a retail transaction and use tax ordinance, consolidation of the election with the statewide general election to be held on November 8, 2022, approving the Investment Plan and Implementation Guidelines, and requesting the extension of the Authority’s term and certain related matters.

NOW, THEREFORE, BE IT RESOLVED, by the Madera County 2006 Transportation Authority:

1. That the Investment Plan and the Implementing Guidelines are hereby adopted and approved by the Authority.
2. That the Authority hereby calls and hereby requests the Madera County Board of Supervisors to call and order a special election to be held and consolidated with the statewide general election on Tuesday, November 8, 2022, for the purpose of submitting to the voters of the County of Madera the ordinance attached hereto as Exhibit “C” and by this reference incorporated herein (the “Ordinance”). Per Elections Code Section 13247, the abbreviated form of the Ordinance is the question to appear on the ballot which is specified in Section 3 of this Resolution.
3. That the Authority hereby requests that the following question be submitted to the voters at the aforementioned election:

| | |
|---|-----|
| To keep local streets, highways, and infrastructure in good repair; fix potholes, pave/ maintain local streets; improve highway safety and 9-1-1 emergency vehicle access; retrofit older bridges/ overpasses; complete other transportation projects; and qualify for \$600,000,000 in State/ Federal matching funds, shall an ordinance be adopted continuing Madera County’s voter- approved ½¢ sales tax without increasing the tax rate, renewing \$20,000,000 annually until ended by voters, with citizen oversight/ independent audits and all money staying local? | YES |
| | NO |

4. That the text of the proposed Ordinance that is to be submitted to the voters is attached as Exhibit "C" to this, and the Authority approves its submission to the voters at the November 8, 2022 election.

5. That to become law, the Ordinance shall require a two-thirds majority vote of the electorate.

6. That the ballots to be used at the election shall be in form and content as required by law, and that the election shall be held and conducted in the manner prescribed by law for the conduct of special elections by a county pursuant to California Public Utilities Code Section 180203(b).

7. The consolidated election shall be held and conducted in accordance with the provisions of law regulating county and statewide elections, including, but not limited to, Elections Code Section 10418.

8. That pursuant to Sections 10402 and 10403 of the Elections Code, the Madera County Board of Supervisors is hereby requested to consent and agree to the consolidation of the submission of the Special Election on the Ordinance at the General Election with the Statewide General Election conducted by Madera County to be held on Tuesday, November 8, 2022.

9. That the Authority requests the County's election official, pursuant to California Public Utilities Code Section 180203(c), to print in the sample ballot, immediately below the full proposition, and in the voter information guide, in no less than 10-point bold type, text substantially as follows: "The adopted county transportation expenditure plan may be viewed electronically at [Measure T Investment Plan and Implementing Guidelines](#). If you desire a printed copy of the adopted county transportation expenditure plan, please call the county elections office at (559) 675-7720 or Toll Free: (800) 435-050 and one will be mailed to you at no cost" and further requests that the county elections official provide a printed copy of the entire adopted county transportation expenditure plan by mail to each person requesting a copy."

10. That the Authority recognizes that additional costs will be incurred by Madera County by reason of this election and consolidation and agrees to reimburse Madera County for any costs. The Executive Director of the Authority is authorized and directed to pay for the expenses incurred after receiving a statement from the County of Madera.

11. That the County is requested to extend the term of the Authority to at least two years following the completion of all projects contemplated by Measure T, the renewal described herein and subsequent renewals or increases of the transaction and use tax.

12. The Secretary and the Authority's counsel are authorized to make any typographical, clerical, non-substantive corrections to this resolution as may be deemed necessary by the Madera County Registrar of Voters or election official.

13. That the Secretary shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

14. This Resolution shall be effective immediately upon passage and adoption.

The foregoing Resolution was adopted this 5th day of August, 2022, by the following vote:

Commissioner/Chair Tom Wheeler voted: _____
Commissioner/Vice Chair Diana Palmer voted: _____
Commissioner Robert Poythress voted: _____
Commissioner Brett Frazier voted: _____
Commissioner Jose Rodriguez voted: _____
Commissioner Cecelia Gallegos voted: _____

Chair, Madera County 2006 Transportation Authority

Executive Director, Madera County 2006 Transportation Authority

EXHIBIT A

Investment Plan



Item 5-5-B.



2022 MEASURE T RENEWAL INVESTMENT PLAN

FINAL
JULY 20, 2022



Madera County Transportation Authority (MCTC)
2001 Howard Road, Ste. 201
Madera, CA 93637

VRPA Technologies, Inc.
In Association with:
Moy & Associates, TBWBH Props & Measures,
and True North Research, Inc.

Approved by Local Agencies:

Approved by MCTC sitting as the MCTA:

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INTRODUCTION

The Madera County Measure T Renewal Investment Plan was prepared to:

Guide the Investment of approximately \$866 million in transportation funds that will be generated over the first 30 years of the Renewal Program through continuation of Madera County's half-cent transportation sales tax until ended by voters, if approved by voters in the November 2022 election.

Madera County's previous Measure A Program, voter-approved in 1990, expired in September 2005. The voters approved the current Measure T in November 2006. This Measure Renewal will not increase taxes, nor does it impose a new tax; it simply extends the current voter-approved Measure T ½ percent or ½ cent sales tax and places the decision to end it solely in the hands of voters. This Measure T Renewal will provide a continued and stable source of locally-controlled funds to address current and future transportation system needs and community priorities within the cities of Chowchilla and Madera and throughout the remainder of the County.

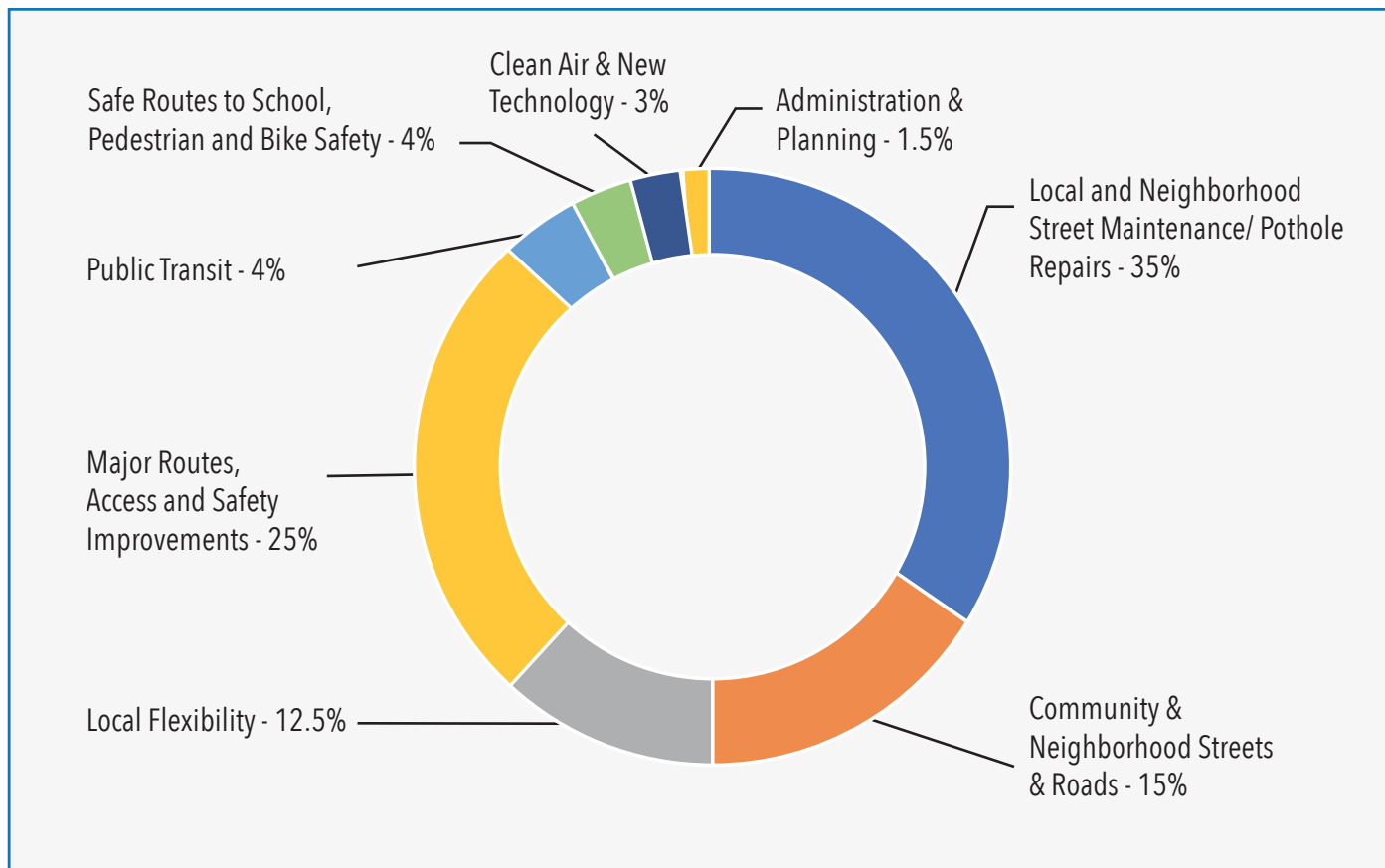
This Renewal Investment Plan was developed with the assistance of the Measure T Renewal Steering Committee, representing diverse community interests, to address regional and local transportation needs in Madera County. The Steering Committee thoroughly considered needs identified by voters and community residents during the development of the Plan. To ensure the Plan addressed the transportation needs of all County residents, the Steering Committee:

- Members were asked to represent other agencies and/or their constituents associated with their sector. They had a responsibility to keep constituents informed of Steering Committee discussions and recommendations.
- Adhered to requirements contained in the Public Utilities Code (PUC) 180000.
- Reviewed Measure programs recently passed in other counties (best practices review).
- Listened to presentations by transportation advocates and agencies.
- Considered recommendations of transportation professionals.
- Reviewed and considered the entire County's transportation needs by category.
- Heard innovative ideas related to new technologies in transportation.
- Developed Investment Plan goals, objectives and priorities.
- Considered public input and public opinion polling results.

OVERVIEW – THE INVESTMENT PLAN

Figure 1 provides an overview of the proposed Measure Renewal Investment Plan funding expenditures approved by the Steering Committee. This Measure will continue "until ended by voters," meaning that Measure T Renewal ½ percent sales tax proceeds will be collected until voters in Madera County desire to end it by initiative. While the Measure will continue until ended by voters, it is essential to provide at least an estimate of funding for a shorter period or, in this case, a 30-year funding period, which is expected to generate approximately \$866 million. A majority of this amount (\$636.5 million or 74% of the Measure) is allocated to the local jurisdictions, including Madera County and the cities of Madera and Chowchilla, based on population size. It will be allocated to the agencies in separate interest-bearing accounts. The allocation between the three local agencies will be revised in May of every year based on Population and Housing estimates released by the State of California Department of Finance. Referencing Figure 1, the allocations consider a "multi-modal" transportation program, as described below.

FIGURE 1
PROPOSED MEASURE T RENEWAL
ALLOCATION OF SALES TAX FUNDING TO VARIOUS TRANSPORTATION PROGRAMS



Proposed Measure T Renewal Funding Allocations

- **62.5%** of the Measure Renewal funding will be allocated to the **Community and Neighborhood Streets and Roads Program**, which includes three (3) subprograms:
 1. **The Local and Neighborhood Street Maintenance and Pothole Repairs Subprogram - 35%** of expected Measure funds are directed to "Fix-It-First" street and road projects and programs. Projects include pothole repair, asphalt overlay, and other road maintenance activities including within Maintenance Districts.
 2. **The Community & Neighborhood Streets & Roads Subprogram - 15%** of the funds are directed to needs that each of the cities and Madera County can allocate to other local, collector, and arterial street and road improvements throughout the region, including within Maintenance Districts. Improvements include eliminating bottlenecks in existing streets caused by inconsistent growth patterns, additional lanes, bridge improvements, and operational improvements including those located within Maintenance Districts.
 3. **The Local Flexibility Subprogram - 12.5%** of the funding is directed to transportation needs throughout the region including Maintenance Districts. Needs include rehabilitating aged local roads, collectors, and arterials and other local street and road, safe routes to school, pedestrian, bicycle, and trail, enhanced public transit, and/or other transportation improvements to address each city's and the County's own individual transportation needs over the life of the Measure.

- **25%** of the Measure will be directed toward the **Major Routes, Access & Safety Improvements Program** including major corridors, interchange modifications, bridge improvements, and other improvement projects along State Highways and major arterials throughout the County. These projects will enhance connections and access within the cities and between the cities and rural communities.
- **4%** of the Measure funding will be allocated to **Public Transit Program** systems and services throughout the County, including transit services operated by the cities of Madera and Chowchilla and Madera County.
- **4%** of the Measure will be allocated to **Safe Routes to School & Pedestrian & Bike Safety Program** improvements, including bicycle, pedestrian, and trail projects, safe routes to school, access for people with disabilities, and other safety-related improvements. Improvements can be made throughout the region through the Maintenance Districts.
- **3%** of the funds are available for projects that enhance **Clean Air & New Technology Program**, including clean transportation projects and programs and other projects that will improve air quality, address climate change, and improve health.
- **1.5%** of the Measure will be allocated to the **Administration & Planning Program** for Measure T Renewal administration and planning activities of the Madera County Transportation Authority (MCTA or Authority) and the Madera County Transportation Commission (MCTC).

Additional details regarding the implementation of each of the Programs and Subprograms are provided later in this document and in the Implementing Guidelines, which can be found at:

www.maderactc.org/measuret/page/measure-t-renewal

PUBLIC ENGAGEMENT

Steering Committee

Interviews of potential Steering Committee members began in August 2021 along with the first poll of voters regarding the Measure Renewal. The all-volunteer Measure T Renewal Steering Committee first met on September 21, 2021 and concluded its work on May 19, 2022. A broad and diverse set of organizations representing different populations throughout Madera County were invited to participate in stakeholder interviews to gauge awareness of Measure T, priorities for a renewal measure, and interest in participating in the Steering Committee process. The full roster of Steering Committee members can be found at:

www.maderactc.org/measuret/page/measure-t-renewal

Community Engagement Process

The Authority utilized many different strategies to inform the community about the Measure T Renewal and seek community input. Below is a summary of outreach efforts.

- **Voter Opinion Surveys:** In order to gauge general voter opinions related to a Measure T Renewal process, a statistically-representative survey of likely voters throughout the County was conducted in August 2021. Respondents to this survey were contacted by landline telephone, mobile telephone, as well as by email and text message invitations to an online survey. A total of 563 voters responded to this initial poll. A follow up survey of voters was conducted in April 2022 and the results were publicly shared with the Steering Committee. A total of 572 voters responded to the follow up poll.
- **Community-wide Survey:** All residents were invited to learn about Measure T and offer feedback via a community-wide survey at www.keepmaderamoving.org. Information and the survey on this site was offered in English and Spanish. On the site, residents were able to learn more about Measure T, including what prior voter-approved funding had been used for and how to get more information on the previous measures.

- **Countywide Mailer:** A countywide informational mailing was sent to all residents. The Mailer also included information on how Measure T funds have been spent to date, the process for considering a renewal of Measure T, and invited recipients to provide feedback via the tear-off survey or by visiting the online survey at www.keepmaderamoving.org, a total of 454 people took the survey. The results were reported to MCTA/MCTC and the Steering Committee.
- **RTP/SCS Public Engagement Program:** As part of MCTC's 2022 update of the Regional Transportation Plan and Sustainable Communities Strategy (RTP/SCS), a broad and diverse set of constituencies and community organizations has been engaged to capture their transportation priorities over a long-range planning horizon. The RTP/SCS is intended to guide transportation and land-use decisions to improve our quality of life, air quality, and mobility and make communities more cohesive. The RTP/SCS integrates all modes of transportation, land-use, housing, environmental issues, reduction of vehicle miles traveled, and other related issues.

The RTP/SCS is updated every four years and has a robust outreach and stakeholder involvement process, including numerous committee meetings, public workshops and hearings, public surveys and polling, and other engagement opportunities. The RTP/SCS is one of the critical building blocks that has helped guide development of the 2022 Measure T Renewal effort and identify needs and funding requirements.

Renewed Measure T funding and related State and federal matching funds would provide a portion of the resources needed to implement the community transportation priorities identified through the RTP/SCS process. Community engagement for the RTP/SCS has been conducted via in-person meetings, virtual meetings, and an online public engagement tool available at: www.YourMadera2046.com

- **Presentations:** When the proposed Measure T Renewal Investment Plan is finalized, Authority staff and consultants will provide informational presentations and opportunities for feedback with a broad and diverse group of organizations and individuals throughout Madera County.
- **Other Engagement Activities:** The Authority will continue sending informational mailings and other communications to the public as the Board Supervisors makes decisions to place the Measure renewal on the ballot, to ensure voters can cast an informed vote.

Future Outreach Methods

To keep an open dialogue and to continue receiving feedback from residents, the Authority will continue to do community engagement related to Measure T funding allocations and projects. As the world is ever-changing, the Authority will continue to rely on many types of traditional communication methods such as public engagement and outreach meetings, mail, social media, and email communications, as well as look for creative means of communication going forward.

Two-thirds (67%) of voter approval is required to pass the Measure T Renewal in November 2022. A survey of the voters and community residents was initiated in August 2021 to determine support for a renewal Measure and to ensure that the Steering Committee members were on target with this Renewal Investment Plan. Voters were surveyed again in April 2022 to confirm support for proposed investments.

The latest voter poll results indicate that the Measure has a broad base of support (at least 76% of the likely voters) because the transportation programs contained in the Measure reflect voter desires identified through voter polls, such as:

- Maintaining the existing street and road system throughout Madera County.
- Local control of Measure funds.
- Leveraging matching funds from State and federal sources.
- Maintaining a vibrant economy.
- Cleaning our air.
- Continuing the Measure T Citizens' Oversight Committee.

GOALS & GUIDING PRINCIPLES

Considering the public engagement activities conducted over the past 18 months noted above, the Steering Committee developed the following set of goals and objectives to help guide development of this Renewal Investment Plan:

Goal: Equitable access to effective transportation options for all, regardless of race, income, national origin, age, location, physical ability, or any other factor.

Objectives:

- Identify innovative solutions that address the transportation needs of disadvantaged communities, vulnerable groups, seniors, and persons with physical disabilities.
- Avoid disproportionately high adverse environmental impacts upon low-income communities, the elderly, persons with disabilities or minority populations consistent with Title VI regulations.

Goal: Multimodal transportation systems that are fully accessible, encourage quality and sustainable growth and development, support the region's environmental resource management strategies, reduce traffic congestion, improve air quality, and are responsive to the needs of current and future travelers.

Objectives:

- Support transportation improvements that provide healthy and safe routes for children to schools and between activity centers.
- Encourage transportation systems that enhance walking or bicycling resulting in significant potential health benefits.
- Consider how transportation policies, programs, and investment strategies affect the overall health of people and the environment including reduction of greenhouse gas and air quality emissions, and other environmental resources.

Goal: Transportation systems that stimulate, support, sustain, and enhance the movement of people and goods to foster economic competitiveness.

Objectives:

- Provide transportation mobility options necessary to conduct essential daily activities and support equitable access to the region's assets.
- Invest in modern regional aviation, public transit, and passenger rail systems.
- Embrace promising and fiscally responsible transportation, and new technologies that serve to interconnect systems and that make travel more efficient.

Goal: Transportation system coordination and intermodal connectivity to keep people and goods moving.

Objectives:

- Improve and maintain an integrated transportation network that reduces congestion and minimizes safety issues.
- Strive to create a fully "seamless" intermodal transportation system by addressing critical linkages between modes.
- Reduce the cost of doing business by providing for the efficient movement of goods, people, and information.

Goal: Efficient, safe, and secure transportation systems in the Madera region.

Objectives:

- Maintain, repair, and rehabilitate the existing and future regional transportation system.
- Support investment in multimodal safety measures to reduce traffic fatalities and incidents in the region.

Goal: Adequate funding to maintain and improve the transportation network.

Objectives:

- Shift investment strategies towards a variety of modes.
- Undertake transportation investments that enhance the future economic viability and performance of the transportation system.
- Combine elements of priority projects to maximize funding and provide for a well-connected and seamless transportation system.

- Utilize Measure funding to leverage other local, State, and federal funds.

Goal: Reliable transportation choices through the public participation process.

Objectives:

- Conduct effective outreach to ensure fiscally sound transportation investments that result in improved system mobility and safety.
- Ensure that planning for projects, which benefit disadvantaged communities and vulnerable groups is transparent and actively engages affected communities.
- Identify transportation needs in disadvantaged communities through meaningful engagement in decision-making about project design and project implementation.
- Provide a high level of transparency, performance review, and accountability.

Goal: Vibrant communities that are supported by sustainable transportation systems.

Objectives:

- Support a healthy environment and healthy air quality for all, regardless of race, income, national origin, age, location, physical ability, or any other factor.
- Support access to areas of opportunity (jobs, education, etc.), healthy food, clinics and hospitals, and parks, regardless of race, income, national origin, age, location, physical ability, or any other factor.
- Coordinate with Caltrans and local agencies to mitigate the potential environmental impacts of projects.

The guiding principles listed below are based on input received from the Steering Committee, as well as input received from stakeholder interviews, other related public engagement processes to date, and the voter opinion polls. These guiding principles support:

- Repair and Maintenance of Streets and Roads in Existing Neighborhoods.
- An Improved System of Active Transportation Projects (Bicycle, Pedestrian, Trails).
- Local Transportation Needs.
- Transportation Projects that Improve Community Health and Air Quality and Reduce Greenhouse Gas Emissions.
- An Improved Public Transit System Including New/Innovative Public Transit Services/Systems.
- Enhanced Social Service Transportation Programs.
- Improved Regional Transportation Systems.
- New Technologies/Innovative Transportation Projects/Programs.

Meeting the needs of Madera County residents requires leveraging State and federal investments with local resources. Even with the Measure T Renewal, there will not be enough funding to address the \$4.5 billion in transportation needs. The Measure T Renewal should generate more than \$866 million over the next 30-years, far short of the overall need; therefore, leveraging additional State and federal funding beyond what the region expects, is critical. That is why it is so important to have a Measure Renewal that will continue until ended by voters; the opportunity will be there to address the needs over time.

SUCCESS OF THE CURRENT MEASURE PROGRAM

Many changes to the existing transportation system have occurred since voters first approved Measure A in 1990 and Measure T in 2006. The current Measure T Program has provided funding to various transportation modes, including bike, pedestrian, trails, public transit improvements, and other transportation projects, programs and services. In addition, new and improved regional and local streets and highways have either been constructed or are currently programmed and will be constructed by Caltrans and/or the local agencies to improve safety and mobility. These improvements are reflected in Table 1.

The Measure A and the current Measure T Programs are widely viewed as two of the most important programs ever approved by voters in Madera County because they provided and continue to provide the opportunity to compete successfully for additional State and federal transportation funding. MCTA and MCTC worked diligently to leverage additional dollars from Sacramento and Washington D.C. for every Measure A, or Measure T dollar generated locally under the Measure A and Measure T Programs. Responsibilities of MCTA and MCTC are provided in the Implementing Guidelines. Approving the Measure T Renewal will continue to provide local funds under local control, and to leverage and direct additional State and federal funding to Madera County.

TABLE 1
MEASURE T REGIONAL TRANSPORTATION PROGRAM PROJECTS

Phase I Projects (2006 - 2016)

| LOCATION | PROJECT DESCRIPTION |
|--|--|
| Gateway at SR 99 | Reconstruction/widen interchange |
| SR 145 at SR 99 | Reconstruction/widen interchange |
| Elis Ave 16 - Granada to Road 26 & New SR 99 | Reconstruction/ & Construct overcrossing |
| Ave 12 at SR 99 | Reconstruction/widen interchange |
| 4th Street - Pine St to Lake | Reconstruct/widen from 2 to 4 lanes w/ RR Xing |
| 4th Street at SR 99 | Reconstruction/widen interchange |
| SR 41 - between SR 145 and Road 200 | Construct passing lanes |
| SR 99 - Ave 12 to Ave 17 | Widen from 4 to 6 lanes |

Phase II Projects (2017 - 2027)

| LOCATION | PROJECT DESCRIPTION |
|-------------------------------|---------------------|
| Oakhurst Mic - Town Connector | New Road |
| SR 41 | Realignment EIR *1 |

*1 Funded with other than Measure T Funds. The EIR has been completed and certified. Final ED was approved March 26, 2020 and PA&ED was achieved on April 6, 2020

Phase II Projects (2017 - 2027) Programmed or Planned

| LOCATION | PROJECT DESCRIPTION |
|--------------------------------------|--------------------------------------|
| SR 233 at SR 99 | Interchange Operational Improvements |
| Road 200 - Phase III | Fine Gold Creek Bridge |
| Cleveland - Schnoor to SR 99 | Widen to 6 lanes |
| Gateway (SR 145) - Yosemite to SR 99 | Reconstruct/widen from 2 to 4 lanes |
| SR 99 - Ave 7 to Ave 12 | Widen from 4 to 6 lanes |

Annual Audit of Measure Programs

Measure investments and accounts of the local agencies and the Authority are audited on an annual basis by an independent audit firm, retained by the Authority. Over the past 32 years, audit results have indicated that the previous Measure A and the current Measure T Programs have been implemented, and proceeds expended, in accordance with the Measure A and Measure T Investment Plans and provisions. This Plan's Implementing Guidelines provide additional detail regarding the Measure audit process. The audit process will continue under this Measure Renewal and performance measures will be developed to ensure that Measure funds are being invested efficiently and effectively.

Citizens' Oversight Committee

To inform the public and to ensure that Measure Renewal funding program revenues and expenditures are spent as promised to the public, a Citizens' Oversight Committee (COC) was formed as part of the current Measure T Program. Details regarding the Committee are provided in the Implementing Guidelines. The COC responsibilities include the following:

- The Committee may receive, review, and recommend any action or revision to plans, programs, audits or projects that is within the scope of its purpose stated in the Implementing Guidelines. Specific COC responsibilities include:
- Receive, review, inspect, and recommend action on independent financial and performance audits related to the Measure.
- Receive, review, and recommend action on other periodic reports, studies, and plans from responsible agencies. Such reports, studies, and plans must be directly related to Measure programs, revenues, or expenditures.
- Review and comment upon Measure expenditures to ensure that they are consistent with the Investment Plan.
- Annually review how sales tax receipts are being spent and publicize the results.
- Present Committee recommendations, findings, and requests to the public and the Authority in a formal annual report.

HOW THE PLAN WAS DEVELOPED

The Measure Renewal Steering Committee was formed in September 2021 to develop the Measure T Renewal Investment Plan. The Steering Committee evaluated existing systems and created a vision for the future. There was recognition that this Measure T Renewal Plan needed to address the existing and future transportation needs, focusing on local neighborhoods and community street and road maintenance, as well as continuing investments in bicycle and pedestrian facilities, transit services, and reducing and avoiding congestion on our major highways. This Plan has built-in flexibility that will allow the cities and the County to adapt to their specific transportation needs as they change over time. The Plan recognizes transportation programs that maintain and improve one's quality of life and positions the Madera region to deal with the type of infrastructure needed to address mobility needs. Members of the Steering Committee:

Reviewed a variety of proposals, solicited public input and professional expertise, conducted two voter polls, and reviewed data and literature from other agencies to prepare this Plan.

Members of the Steering Committee represented the interests of sectors and organizations listed in Table 2.

TABLE 2
MEASURE T RENEWAL INVESTMENT PLAN STEERING COMMITTEE
SECTORS/ORGANIZATIONS

| SECTOR/ ORGANIZATION | |
|------------------------------|----------------------------------|
| Active Transportation | Goods Movement |
| Agriculture | Health |
| Business | Labor |
| Caltrans | Labor/Construction Industry |
| City of Chowchilla | MCTC/MCTA |
| City of Madera | New Technology |
| Community Based Organization | Public Safety/Emergency Services |
| County of Madera | Public Transportation/ADA |
| Development | Senior Citizens |
| Education | Seniors |
| Environmental | Youth |

EXPECTED MEASURE PROCEEDS

If voters approve the Measure T Renewal on November 8, 2022, they allow the Authority to continue to impose the same ½ cent retail transaction and use tax until ended by voters. The Measure Sales Tax will:

Provide approximately \$866 million in new revenues for transportation improvements over a 30-year period, according to financial projections through the year 2057.

The Measure T Renewal Program will generate nearly four times the amount that will be collected during the current 20-year Measure T Program (approximately \$219 million compared to \$866 million) over a 30-year period or through June 2057. Since this Measure will continue “until ended by voters,” the Authority will prepare a 15-year update of the Investment Plan beginning in Year 14 of the Measure update cycle and reflect 15- and 30-year projections of Measure T Renewal proceeds.

The allocation of these projected sales tax revenues to specific types of transportation funding programs and improvement projects is described in the following sections of this Plan. The Authority will prepare and update a Strategic Plan (SP) every two (2) years (if needed) to verify or modify the funding expectations based on the then current fiscal conditions, making sure that the projections are consistent with future expenditures and promises made in this Plan. The Authority and MCTC will also revisit or update this Investment Plan at a minimum of every 15 years beginning in 2041 for approval in 2042 (beginning in Year 14 to prepare the update) and every 15 years thereafter to potentially adjust the transportation programs and associated allocations of Measure T proceeds to ensure that the Plan addresses the future transportation needs of the County and its residents as determined through a comprehensive public engagement process. The Plan may also be revisited or updated at other intervals of time, as necessary, to respond to dynamic changes in transportation and funding priorities at the federal, State, and local levels. Finally, the Authority will have the option of issuing bonds to deliver Measure T projects and programs contained in this Plan to save project costs by delivering them earlier, and to implement much-needed road repairs years sooner than would be possible without bonding. Bonding options by MCTA or the local agencies will comply with PUC 180000, CHAPTER 6. Bonds [180250 – 180264].

PRIORITIES OF THE NEW PLAN

Through many weeks of intense discussion and hard work, the following Measure funding program commitments were developed and agreed to by the Steering Committee. The Committee realized that providing Measure funds for all modes of transportation would meet the quality-of-life intent of the Measure Renewal effort. This would in turn enable agencies within the County to address the needs of residents, businesses, and major industries considering a 30-year funding program. The Measure, however, would remain in place until ended by voters. The Renewal Plan will:

Provide funds to maintain and improve neighborhood and community streets and roads, public transit, safe routes to school, bike, pedestrian and trail improvements, regional highways, streets and roads, and other transportation programs that improve mobility and air quality and reduce greenhouse gas emissions within the County and each of the cities.

Meeting the needs of Madera County residents requires leveraging State and federal investments with local resources. Even with passage of the Measure there will not be enough funding available to address the more than \$4.5 billion in transportation needs. The Measure will generate slightly more than \$866 million over the next 30 years to address a portion of the need. Therefore, leveraging additional State and federal dollars, beyond what the region expects, is critical.

It is understood that each of the programs and subprograms included in this Renewal Investment Plan rely on the improvement and maintenance of highways, streets, and roads. Transit vehicles, bikes, and pedestrians will all receive some level of improvement and funding from funds that are allocated to the Community, Neighborhood, Streets and Roads Program, which includes the Local and Neighborhood Street Maintenance and Pothole Repairs Subprogram, the Community and Neighborhood Streets and Roads Subprogram, and the Local Flexibility Subprogram. In addition, alternative modes will also benefit from funding allocated to the Major Routes, Access and Safety Improvements Program.

Details regarding each of the funding programs in this Investment Plan are provided below and the allocations of Measure T Renewal proceeds are provided in Table 3. Population estimates to be used to allocate Measure T Renewal Program funds to the local agencies will be revised in May of every year based on Population and Housing estimates released by the State of California Department of Finance.

TABLE 3
MEASURE T RENEWAL INVESTMENT PLAN PROGRAM FUNDING ALLOCATIONS

| PROGRAM/SUBPROGRAM | % ALLOCATION | TOTAL 30 - YEAR MT3 FUNDING | COUNTY 49.44% | MADERA 41.83% | CHOWCHILLA 8.7% |
|--|--------------|-----------------------------|---------------|---------------|-----------------|
| Community & Neighborhood Streets & Roads | 62.5% | \$541,250,000 | \$267,594,000 | \$226,404,875 | \$47,251,125 |
| Local and Neighborhood Street Maintenance and Pothole Repairs Subprogram | 35% | \$303,100,000 | \$149,852,640 | \$126,786,730 | \$26,460,630 |
| Community & Neighborhood Streets & Road Subprogram | 15% | \$129,900,000 | \$64,222,560 | \$54,337,170 | \$11,340,270 |
| Local Flexibility Subprogram | 12.5% | \$108,250,000 | \$53,518,800 | \$45,280,975 | \$9,450,225 |
| Major Routes, Access & Safety Improvements | 25% | \$216,500,000 | | | |
| Public Transit | 4% | \$34,640,000 | \$17,126,016 | \$14,489,912 | \$3,024,072 |
| Safe Routes to School & Pedestrian & Bike Safety | 4% | \$34,640,000 | \$17,126,016 | \$14,489,912 | \$3,024,072 |
| Clean Air and New Technologies | 3% | \$25,980,000 | \$12,844,512 | \$10,867,434 | \$2,268,054 |
| Administration & Planning | 1.5% | \$12,990,000 | | | |
| | 100% | \$866,000,000 | | | |
| | | Total: | \$314,690,544 | \$266,252,133 | \$55,567,323 |

Details regarding each of the six programs are provided below.

COMMUNITY & NEIGHBORHOOD STREETS & ROADS - \$541.3 MILLION OR 62.5%

This Program includes three Subprograms including Local and Neighborhood Street & Road Maintenance and Pothole Repair, which would receive a significant increase in funding for the maintenance of our local street networks, including neighborhood streets. This is clearly the greatest need expressed during the public engagement process, and in the two opinion surveys. In addition, funding is provided to the Community and Neighborhood Streets & Roads Subprogram for other types of local street and road improvements, and funding under the Local Flexibility Subprogram to address local transportation needs as identified by each of the local agencies.

- **LOCAL AND NEIGHBORHOOD STREET MAINTENANCE AND POTHOLE REPAIRS SUBPROGRAM - \$303.1 Million or 35%**

The goal of this program is to improve each of the individual cities' and the County's pavement condition index or PCI from the current County-wide average of 57 (just above the "Poor" category) to at least 70, which is within the "Good" category. Improvements that will be made by the cities of Chowchilla and Madera and Madera County to address the goal include, but are not limited to:

- Fixing potholes with long lasting repairs.
- Repaving streets.
- Keeping good roads in good condition through the strategic application of preventative maintenance strategies.
- Ensuring that all neighborhoods, including those in disadvantaged areas, see improvements to their local roads.
- Measuring and monitoring progress towards the 70 PCI goal.

These expenditures would address one of the most troubling transportation problems for local agencies; how to fund improvements that address the aging street and road infrastructure while at the same time preserving roads that are currently in good condition. Improvements can be made throughout the region and within Maintenance Districts.

- **COMMUNITY AND NEIGHBORHOOD STREETS AND ROADS SUBPROGRAM - \$129.9 Million or 15%**

The goal is to improve each individual city's and the County's local transportation systems. Examples of improvements include, but are not limited to:

- Add additional lanes to existing streets and roads for congestion relief and improved safety.
- Improve sidewalks.
- Complete Streets (improvements that accommodate autos, bicycles, pedestrians, and transit services).
- Traffic control devices such as traffic signals, specialized flashing warning devices, safety lighting, signage and striping to enhance student and public safety.
- Separating street traffic from rail traffic (grade separation projects).
- Bridge improvements.

Improvements can be made throughout the region and within Maintenance Districts.

1

1

- **LOCAL FLEXIBILITY SUBPROGRAM - \$108.3 Million or 12.5%**

This program provides the local agencies flexible funding to address their most pressing unfunded or underfunded transportation needs within their jurisdictions. These funds would be used for a variety of purposes including, but not limited to:

- Repair sidewalks to create safe routes to school and increase accessibility for people with disabilities.
- Supplement Active Transportation (bike, pedestrian, and trails systems) projects.
- Further improve public transit services.
- Eliminate bottlenecks on local streets where road improvements are not complete.
- Address environmental sustainability and other important transportation improvements.

Improvements can be made throughout the region and within Maintenance Districts. Local agencies in Madera County know what their needs are and how best to address those needs. This plan empowers them to make these critical decisions for their residents and businesses.

MAJOR ROUTES, ACCESS AND SAFETY IMPROVEMENTS PROGRAM - \$216.5 MILLION OR 25%.

The core of the urban and suburban highway system has been largely completed, and many improvements to rural highways have been accomplished during the 1990 and 2006 Measure programs. Future improvements need to be focused on:

- Improving safety.
- Improving corridors between communities.
- Reducing and avoiding future congestion.
- Focusing on multimodal operational improvements such as auxiliary lanes, freeway interchange improvements, metering projects, demand management, and Smart Corridor concepts that maximize the capacity of existing facilities.

The Plan authorizes major new projects to:

- Improve freeway interchanges.
- Provide access improvements.
- Add additional lanes.
- Increase safety as determined by the local jurisdictions.
- Improve and reconstruct major commute corridors.

These projects provide for the movement of goods, services, and people throughout the County, as well as accommodating goods movement from Madera County industries to the rest of the State and the nation. While the proposed Measure T Renewal Program will continue until ended by voters, it is critical that Measure T funding and needs are considered in 30-year increments with a revisit of the Renewal Plan at a minimum of every 15-years or as needed to ensure that transportation needs in Madera County are being met as it grows in the future. A 15- to 20-year Major Routes, Access and Safety Improvements Program has been identified, with the second 15-years to be addressed in 2041 and approved in 2042. This second 15-year plan will be developed after an evaluation of future needs, as well as an extensive public engagement process.

2

2

Major highlights of this Program include:

- Approximately \$216.5 million or 25% of the Measure Renewal for regionally significant street and highway improvements has been allocated between the County and the cities of Chowchilla and Madera.
- This program relies heavily on leveraged funding from various sources including, but not limited to, the State Transportation Improvement Program (STIP), the State Highway Operations and Protection Program (SHOPP), the State Local Partnership Program, State and federal grants, and local traffic impact fees collected from new development. Overall, it is anticipated that these programs will add other State, federal or local funding to finance the projects.

PUBLIC TRANSIT - \$34.6 MILLION OR 4%.

The goal of this program is to provide effective, accessible public transit services that are affordable and offer a seamless travel experience for Madera residents. This program will expand or enhance mobility options for seniors, disabled persons, veterans, students, and other transit dependent populations and will offer alternatives that reduce single-occupancy vehicle trips and GHG emissions and contribute to improved air quality.

This Plan will allow for improved transit services throughout Madera County that are flexible, reliable, predictable, and affordable. These improvements will be accomplished through many diverse approaches, including, but not limited to the following:

- Measure T funding will be provided to the three (3) transit implementing agencies within the County (City of Chowchilla, City of Madera, and Madera County).
- The transit agencies may use the funds to:
 - Add routes and days and hours of operation as demand increases.
 - Maintain affordable fares for all riders, including seniors, students, veterans and people with disabilities.
 - Purchase low or zero emission buses.
 - Provide night and weekend service as demand increases.
 - Provide safe, clean, and strategically located bus shelters.
 - Provide safer access to public transit services.
- The transit agencies also may apply Measure T funds to:
 - Address specialized transportation needs for seniors and disabled persons.
 - Implement innovative transit solutions for unserved or underserved areas.
 - Offer fare payment options (i.e., vouchers for taxis or transportation provided by family/friends for those living in remote rural locations where it may not be financially feasible to provide regular bus service).
 - Provide new and innovative mobility for seniors, students, and people with disabilities.

Transit is considered an important transportation mode by State and federal funding agencies. Transit agencies must be responsive, proactive, and well-positioned to maximize funding opportunities through the leveraging of Measure T funding.

Transit funding is a significant part of the State and federal transportation funding programs. This has been an established trend that is increasing over time. Measure T Renewal funding should be utilized to the largest extent possible to leverage these funding sources.

3

4

SAFE ROUTES TO SCHOOL AND PEDESTRIAN AND BIKE SAFETY - \$34.6 MILLION OR 4%

Improvements to the existing and planned pedestrian, trail, bicycle, and Safe Routes to School systems have gained prominence around the State and within Madera County. There are significant opportunities for funding these types of projects using State and federal funds. With a few exceptions, these types of projects are very low cost when compared to vehicular projects. Measure T funding in this program should be utilized to the largest extent possible to enhance safety and leverage these funding sources.

Local jurisdictions will consider and provide for complete streets along new or rehabilitated local streets and roads when feasible. Complete Streets involves planning, designing, building, operating, and maintaining streets that enable safe access for all people who need to use them, including pedestrians, bicyclists, motorists and transit riders of all ages and abilities. This involves improving streets and roads to include sidewalks, bike lanes, and transit support facilities. Improvements can be made throughout the region and within Maintenance Districts.

5

CLEAN AIR AND NEW TECHNOLOGY - \$26 MILLION OR 3%.

This program would provide funding to the cities of Chowchilla and Madera and the County to fund and leverage other funding for projects that improve air quality and reduce GHG emissions, including but not limited to the following:

- Alternative fueling facilities.
- Clean air vehicles.
- New Technology projects.
- Car and Vanpool Programs support and coordination.

6

ADMINISTRATION AND PLANNING - \$13 MILLION OR 1.5%.

Measure T funding is provided to the Authority and MCTC to:

- Prepare Investment Plan updates and amendments.
- Develop and administer allocation program requirements.
- Administer and conduct specified activities identified in the other five Programs and three Subprograms described above.

RECONSTRUCTION, REHABILITATION AND/OR MAINTENANCE OF STREETS AND ROADS

Referencing Table 3, a minimum of 35% of the Measure proceeds can be allocated to the reconstruction, rehabilitation and/or maintenance of streets and roads within the County and the cities of Chowchilla and Madera. This minimum allocation allows the local agencies to address the improvement of streets and roads that provide access to schools, jobs, farming activities, and access to recreation areas.

COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

The Measure T Renewal Investment Plan is not a "project" under the California Environmental Quality Act (CEQA) and, therefore, is exempt from CEQA review. This is because the Plan is designed to provide a funding mechanism for potential future projects and programs related to the Authority's provision of transportation funding and services. However, the Authority is not approving the construction of any projects that may result in a direct or indirect physical change in the environment; future voter approval is required prior to establishing any funding mechanism as set forth in PUC Section 240301 or 180000, and all appropriate State and federal environmental review will be required and completed prior to any future approval of specific projects.

Project Commitments - Major Routes, Access and Safety Improvements Program

This section identifies priority regional street, road and highway improvement projects to be implemented within the first 15 to 20 years of the Measure Renewal. The projects may be funded with Measure, STIP funding, other State and federal funds, and/or other local transportation funding. Major Routes, Access and Safety Improvements Program projects are defined as those of regional significance. These projects may be on the State highway system, as those facilities are regional by nature; as well as on major local arterials that serve more than one city or area of the County.

The Steering Committee and MCTC staff identified major improvement projects that address the desires of potential voters identified during the two polls conducted in August 2021 and April 2022, as well as in on-line surveys referenced in Countywide mailers and during other public outreach and engagement noticing and activities.

Phase 1 Major Routes, Access and Safety Improvements Program projects to be addressed in this Program are included in Table 4 and graphically displayed in Figures 2 through 4. These projects will be funded using:

- Measure funding (approximately \$102.5 million).
- State funding from STIP, SHOPP, and other local, State, and federal funding, including developer fees are expected.

MCTC staff and the Steering Committee believe, based upon current assumptions, that such funding will be available to address this funding need. While greater than 50% of funding for the Phase 1 projects is needed to address project costs from other than Measure and State and federal funding opportunities, such as STIP funding, new growth and development throughout the County will be contributing to the total cost of Phase 1 project costs as part of local agency Traffic Impact Fee (TIF) programs. It is assumed that the remainder would be received from additional developer fees, and other State and federal funding. Projects may be added to the Phase 1 or current phase list of Major Routes, Access and Safety Improvements Program projects through the Investment Plan amendment process when listed projects are funded with other than Measure T Renewal Funds or Major Routes, Access and Safety Improvements Program funds within the current phase become available for additional project programming.

Referencing Table 4, it is anticipated that more than \$201 million will be available for Phase 1 Major Routes, Access and Safety Improvements Program projects throughout the County. Additional candidate projects are included in the RTP/SCS list of financially constrained projects. Additional projects will be considered for funding once Phase 1 projects have been programmed or implemented. During preparation of the biennial Strategic Plan Updates, if needed, the Authority and MCTC will develop a detailed improvement program that specifies the timing and delivery of projects, or funding order considering project cost benefits, project readiness, funding availability, etc.

The Authority will conduct biennial Major Routes, Access and Safety Improvements Program reviews and updates as part of the Strategic Plan Update process, if needed. The purpose of the review/update will be to ascertain project delivery status as well as validity of funding availability. Adjustments to delivery schedules and funding contributions may be necessary for these updates.

Beginning no later than 2041, the Authority will conduct a comprehensive public engagement process to help guide the effort to establish the list of projects to be funded during the second half of the 30-year period. No later than 2042, the Authority will adopt a list of Major Routes, Access and Safety Improvements Program projects to be funded during the second 15-year period. That same process will continue for each future 15-year period.

The Authority may consider bonding of future revenues if project needs and deliverability exceed cash flow. Bonding options by MCTA or the local agencies will comply with PUC 180000, CHAPTER 6. Bonds [180250 – 180264].

TABLE 4

MEASURE T RENEWAL - PHASE 1 MAJOR ROUTES, ACCESS AND SAFETY IMPROVEMENTS PROGRAM – CANDIDATE PROJECTS

| AGENCY | ROUTE | LOCATION | DESCRIPTION | TOTAL PROJECT COST | OTHER FUNDING POTENTIALLY AVAILABLE | MT3 PHASE 1 FUNDING ALLOCATION |
|-----------------------------|---------------------------------|--|---|----------------------|-------------------------------------|--------------------------------|
| Caltrans/City of Chowchilla | SR 99/SR 233 Bridge | East and west of SR 233 and SR 99 Interchange | Bridge with Pedestrian Improvements over SR 99 in Chowchilla with Improvements to Round-A-Bouts | \$9,000,000 | \$2,000,000 | \$7,000,000 |
| City of Madera | Cleveland Avenue | Road 26 to SR 99 | Interchange/Grade Separation Planning Study | \$5,000,000 | \$0 | \$5,000,000 |
| City of Madera | Ellis Street | Krohn to Road 26/Country Club | Develop to Full Arterial Standard | \$6,200,000 | \$1,200,000 | \$5,000,000 |
| City of Madera | Gateway Drive | | Bridge Improvements | \$17,539,656 | \$7,000,000 | \$10,539,656 |
| City of Madera | Road 28/Tozer | Avnue 14 to Clinton | Corridor Completion Improvement | \$6,000,000 | \$1,200,000 | \$4,800,000 |
| City of Madera | Westberry | Westberry Bridge | Bridge Improvements | \$12,500,000 | \$3,000,000 | \$9,500,000 |
| City of Madera | Yosemite and Tozer | | Intersection Capacity Improvement | \$1,000,000 | \$500,000 | \$500,000 |
| Madera County | Avenue 12 | Road 36 to Road 38 | Traffic Calming/Complete Street Project | \$20,000,000 | \$15,000,000 | \$5,000,000 |
| Madera County | Avenue 12 | Road 30 1/2 to Road 36 | 2 Lanes to 4 Lanes | \$21,000,000 | \$16,800,000 | \$4,200,000 |
| Madera County | Avenue 12 | Road 38 to Road 40 | 2 Lanes to 4 Lanes | \$10,000,000 | \$8,000,000 | \$2,000,000 |
| Madera County | Avenue 12 | Road 40 to Riverwalk Blvd | 2 Lanes to 6 Lanes | \$10,000,000 | \$8,000,000 | \$2,000,000 |
| Madera County | Avenue 12 | Riverwalk Blvd to SR 41 | 4 Lanes to 8 Lanes | \$10,000,000 | \$8,000,000 | \$2,000,000 |
| Madera County | Mountain Area Evacuation Routes | Oakhurst Area Plan Routes/ North Fork-Cascadel | Safety and Fire Evacuation Routes Projects & Planning Study | \$48,000,000 | \$28,000,000 | \$20,000,000 |
| Caltrans/Madera County | SR 99 | Avenue 17 to Avenue 21 | Environmental, Design & Right-of-Way | \$25,000,000 | \$0 | \$25,000,000 |
| Total: | | | | \$201,239,656 | \$98,700,000 | \$102,539,656 |

FIGURE 2

MEASURE T RENEWAL - PHASE 1 MAJOR ROUTES, ACCESS AND SAFETY IMPROVEMENTS PROGRAM – CANDIDATE PROJECTS – CITY OF CHOWCHILLA

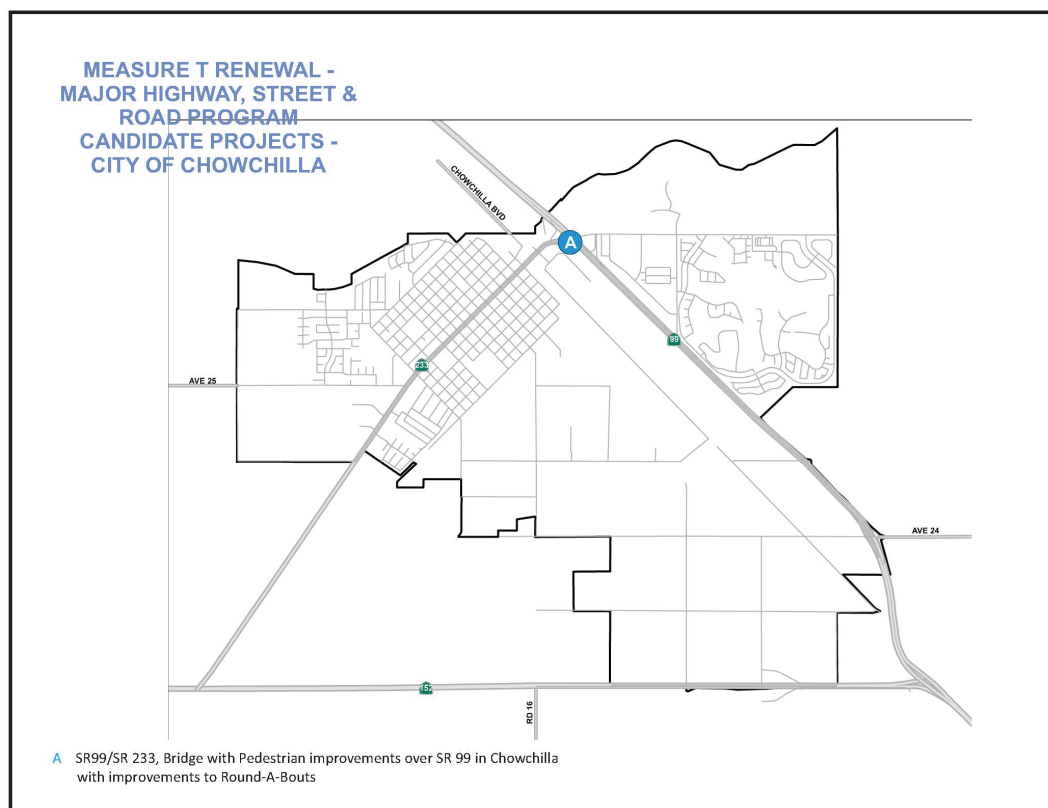


FIGURE 3

MEASURE T RENEWAL - PHASE 1 MAJOR ROUTES, ACCESS AND SAFETY IMPROVEMENTS PROGRAM – CANDIDATE PROJECTS – CITY OF MADERA

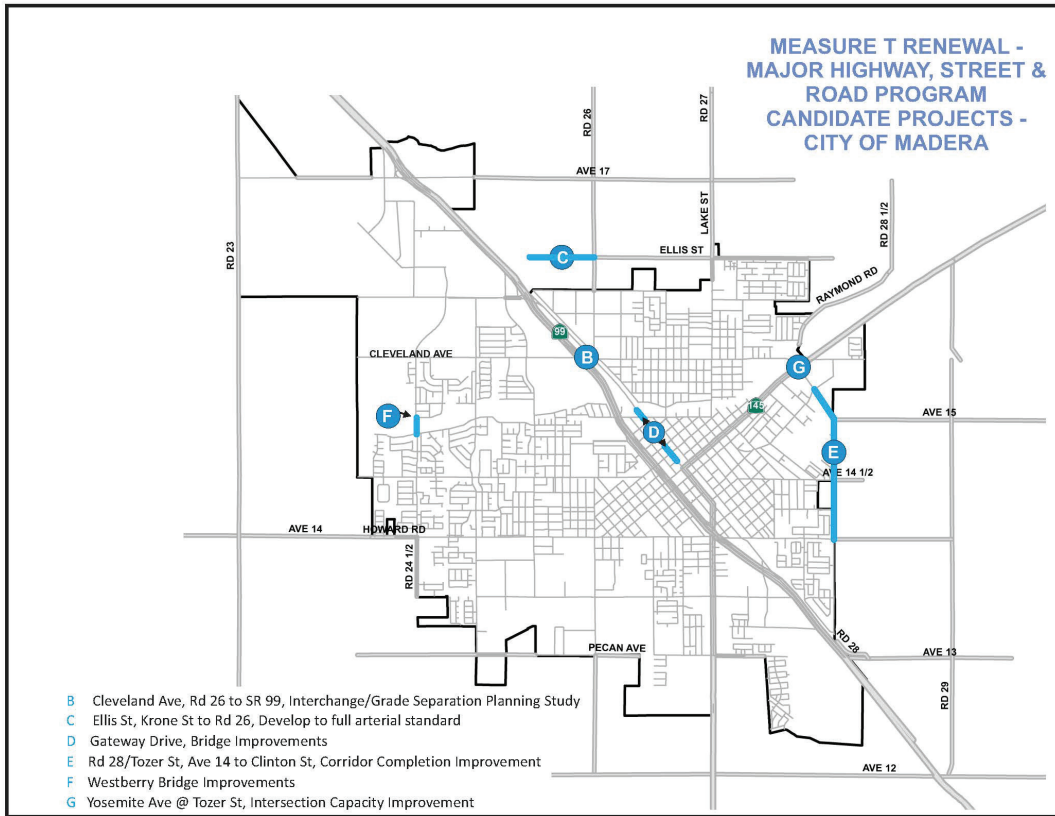
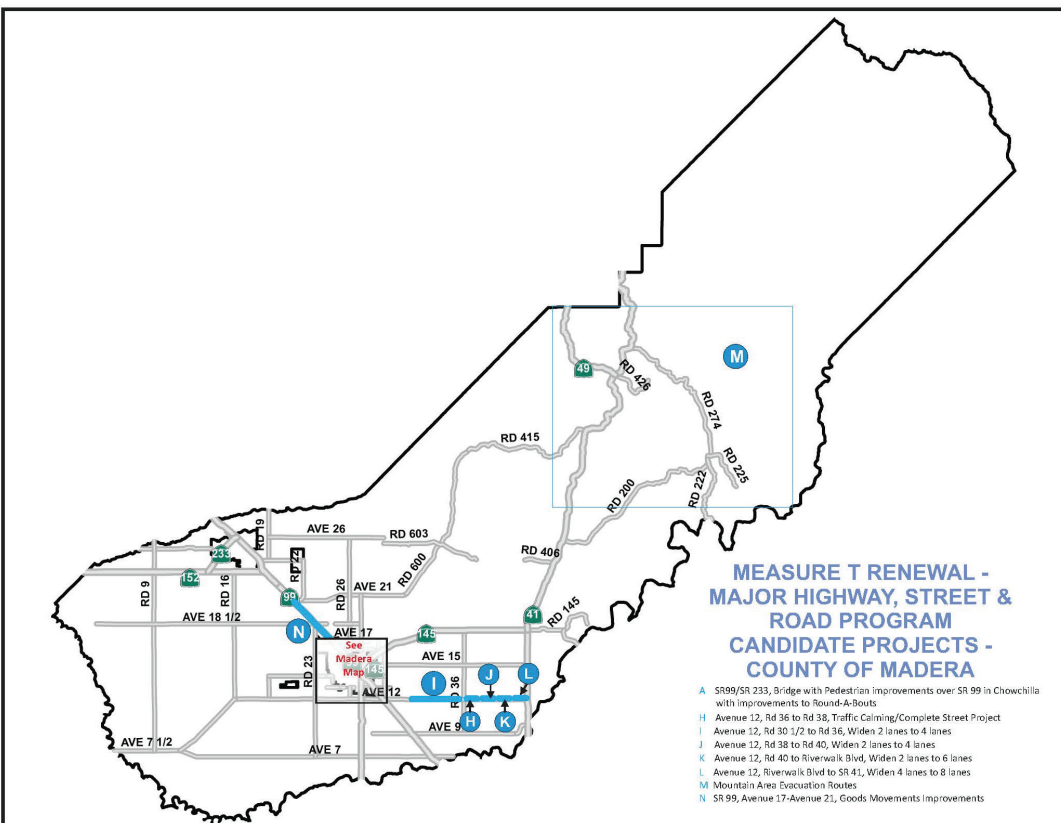


FIGURE 4

MEASURE T RENEWAL - PHASE 1 MAJOR ROUTES, ACCESS AND SAFETY IMPROVEMENTS PROGRAM – CANDIDATE PROJECTS – COUNTY OF MADERA



PLAN ADMINISTRATION

Governing Board and Organizational Structure

A description of the Authority and its organizational structure follows. The structure is consistent with PUC 180000.

Madera County Transportation Authority Structure under the Measure Program

The Authority will continue to administer the Measure Program in compliance with PUC 180000. If the Measure is approved by Madera County voters in November 2022, the Authority will continue to be responsible for administering the Measure Programs in accordance with plans and programs outlined in this and subsequent updates of this Investment Plan. In addition, this Plan includes continued provision of the Citizens' Oversight Committee (COC). Responsibilities of the Committee are included below and details regarding the COC are provided in the Implementing Guidelines. The 2022 Investment Plan was prepared by the Authority, reviewed and approved by the local jurisdictions including the City of Chowchilla, City of Madera, and Madera County, and then approved by the Authority Board.

The current Authority Board complies with PUC 180000, CHAPTER 2. Creation of Local Transportation Authority, Section 180050. The current Authority Board, Madera County Transportation Commission sitting as the Authority, membership is as follows:

- Three (3) members of the board of supervisors appointed by the Board;
- Two (2) members representing the City of Madera, consisting of members of the city council appointed by the city council; and
- One (1) member representing the City of Chowchilla consisting of members of the city council appointed by the city council.

Plan Update and Approval Process

In compliance with schedules mandated in State and federal law, MCTC regularly prepares a new long-range transportation plan (RTP) that updates and renews a list of candidate projects for all transportation modes (streets, highways, public transportation, bikeways, aviation, etc.). The Authority and MCTC will revisit the Renewal Investment Plan at a minimum of every 15 years beginning in 2042 and every 15-years thereafter to potentially adjust the transportation programs and associated allocations of Measure T proceeds to ensure that the Plan addresses the future transportation needs of the County and its residents as determined through a comprehensive public engagement process. The Renewal Plan may be revisited or updated at other intervals of time, as necessary. The Major Routes, Access and Safety Improvements Program Phase 1 list of improvement projects will also be revised during those 15-year reviews to identify funds available for additional projects beyond those now listed in the Renewal Investment Plan. In addition, the Authority will have the option of issuing bonds to deliver Measure projects and programs contained in this Investment Plan to save project costs by delivering them earlier. Bonding options by MCTA or the local agencies will comply with PUC 180000, CHAPTER 6. Bonds [180250 -180264].

Section 180206 of the PUC specifically states the following:

- (a) A county transportation expenditure plan shall be prepared for the expenditure of the revenues expected to be derived from the tax imposed pursuant to this chapter, together with other local, state, and federal funds expected to be available for transportation improvements, for the period during which the tax is to be imposed.
- (b) A county transportation expenditure plan shall not be adopted until it has received the approval of the board of supervisors and of the city councils representing both a majority of the cities in the county and a majority of the population residing in the incorporated areas of the county.
- (c) The plan shall be adopted prior to the call of the election provided for in Section 180201.
(Added by Stats. 1987, Ch. 786, Sec. 1.)

Section 180207. of the PUC specifically states the following:

- The authority may annually review and propose amendments to the county transportation expenditure plan adopted pursuant to Section 180206 to provide for the use of additional federal, state, and local funds, to account for unexpected revenues, or to take into consideration unforeseen circumstances.
- (b) The authority shall notify the board of supervisors and the city council of each city in the county and provide them with a copy of the proposed amendments.
- (c) The proposed amendments shall become effective 45 days after notice is given.
(Added by Stats. 1987, Ch. 786, Sec. 1.)

All updates of the Investment Plan will be subject to public review and public hearings. While these candidate projects may change and priorities for funding may occur, there are more than enough project needs within the County to be addressed using all types of funding, including Measure funds. It will be vital during development of each Investment Plan Update to consider financing all transportation modes to ensure a balanced and efficient transportation system. All the projects and programs included in this Investment Plan and future reviews of the Investment Plan are considered essential to meet the transportation needs of Madera County.

Madera County 2022 Transportation Authority (Authority)

The following steps will be taken by MCTC to prepare and adopt this and future biennial updates of the Measure Strategic Plan:

- Authority staff, working with member agencies, and affected stakeholders will develop the Draft Strategic Plan and will update it every two (2) years, if needed.
- The Authority Board receives the Draft Strategic Plan and its updates and schedules public hearings to review the Plan.
- The Authority Board adopts the Strategic Plan.

Independent Financial Audits

Currently, the Authority annually commissions independent financial audits of the Measure T programs and receipts. If the new Measure is approved by the voters, the Authority would continue to conduct independent financial audits consistent with PUC 180000.

Implementing Guidelines

Administration Program: - 1.5% of the Measure

There are several processes that the Authority must perform to support the Measure Renewal Program including:

- Approve requirements associated with development of each of the proposed allocation programs.
- Approve the prioritization of projects.
- Conduct an independent audit of Measure programs and funds on an annual basis.
- Conduct an on-going public outreach and engagement program.
- Approve the Strategic Plan every two (2) years if needed prepared by the Authority.
- Provide staff or consultant services to manage the delivery of regional projects financed using Measure funds under the Major Routes, Access and Safety Improvements Program.
- Issue bonds to deliver Measure projects and programs contained in this Investment Plan or future Phase 1 lists to save project costs by delivering them earlier. Bonding options by MCTA or the local agencies will comply with PUC 180000, CHAPTER 6. Bonds [180250 -180264].
- Allocate Measure proceeds to the local jurisdictions consistent with the Program requirements.
- Prepare and adopt an annual report each year on progress made.
- Hold a public hearing on the adoption of the annual budget.

FOR FURTHER INFORMATION:

Contact the Authority or MCTC to inquire about the Measure T Renewal process, discuss the candidate projects and programs contained in this Plan, to learn more about the current Measure T Program, or to inquire about the next steps in the Measure Renewal process.



Madera County Transportation Authority

2001 Howard Road, Suite 201
Madera, California 93637
Ph: (559) 675-0721

Visit the MCTC Website at www.maderactc.org for more information, to sign up for our email list, and to receive updates on Measure T planning activities.

Madera County Transportation Authority
2001 Howard Road, Suite 201
Madera, California 93637
Ph: (559) 675-0721

Visit the Authority online at the MCTC Website at www.maderactc.org for more information, and to receive updates on current Measure T projects.

EXHIBIT B

Implementing Guidelines



Item 5-5-B.

2022 MEASURE T RENEWAL INVESTMENT PLAN

IMPLEMENTING GUIDELINES

FINAL

July 20, 2022



Madera County Transportation Commission (MCTC)
 2001 Howard Road, Ste. 201
 Madera, CA 93637

VRPA Technologies, Inc.
 In Association with:
 Moy & Associates, TBWBH Props & Measures,
 and True North Research, Inc.

Approved by Local Agencies: City of Madera - July 6, 2022;
 City of Chowchilla - July 12, 2022; County of Madera - July 12, 2022

Approved by MCTC sitting as the MCTA:

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Final 2022 Measure T Renewal Investment Plan Implementing Guidelines

07/20/22

Introduction and Purpose

These Implementing Guidelines have been prepared to help guide implementation of the Measure T Renewal Investment Plan. The Renewal Investment Plan was prepared to identify how the expenditure of transportation funds generated through continuation of Madera County’s half-cent transportation sales tax, until ended by voters, will be allocated to the various transportation programs. Specifically, these Guidelines will ensure that, promises made to Madera County voters will be kept through a set of requirements specific to each Renewal Plan Program Update.

Following approval by the Madera County Transportation Authority (MCTA or Authority) of the Renewal Investment Plan and Guidelines and beginning in 2027 and every two (2) years thereafter (if needed), the Measure T Renewal Strategic Plan will be prepared. The Strategic Plan will further detail these Guidelines and provide more specifics regarding actual Measure T Renewal proceeds by each program for the current year, Guideline amendments, and the reporting, monitoring, claims, and disbursement processes. The Guidelines will aid the Madera County Transportation Authority (MCTA or Authority), the Madera County Transportation Commission (MCTC), the three (3) local agencies (City of Chowchilla, City of Madera, and the County of Madera), and other responsible agencies with implementation details and requirements including:

- ✓ General purpose of each Measure T Renewal program.
- ✓ Implementing agencies or those agencies responsible for implementing the Renewal Program and eligible to receive associated Measure T funding.
- ✓ Performance indicators that will be considered as detailed performance measures are developed to determine how each Program is efficient at meeting their stated goals.
- ✓ Important definitions of related program requirements, methods, or other processes.
- ✓ The percentage of Measure T Renewal funding and the initial amount of funding allocated to each program.
- ✓ Other requirements specific to each program.
- ✓ The list of eligible projects for which Measure T Renewal funding can be claimed.

Performance Indicators and Measures

Once the Authority has approved the Measure T Renewal Plan and Implementing Guidelines, staff will begin working with each local and other interested agencies and individuals to develop performance measures specific to each of the Renewal programs. Subcommittees will be formed to address each of the Renewal programs. The first step in that process is to identify other performance indicators that may be considered during that process. To address this step, each of the programs detailed further in these Guidelines include a set of preliminary performance indicators that will be considered during the development of program performance measures to be completed prior to the date that the Measure T Renewal Program takes effect.

Measure T Renewal Fund Exchange and Borrowing

Local agencies may exchange Measure T program or subprogram funds allocated to their agency on an annual basis to provide for flexibility as they deliver eligible projects listed in these Implementing Guidelines. In accordance with the Strategic Plan [to be prepared every two (2) years, if needed], inter-program loans will be allowed to maximize program efficiency. Inter-program loans are utilized as a cash management strategy and will be clearly delineated between programs. Parameters for each inter-program loan will be developed to ensure loan accountability and ensure program categories remain consistent with measure objectives. Inter-program loans will incur interest at a rate that equals what the funds would earn if not loaned. Interest on the loan is tied to the assumed short-term investment rate applicable to the annual fund balance. Note that Measure T Renewal funding under the Regional Highways, Streets and Roads Program is not eligible for local agency exchange or borrowing.

Borrowing between programs or subprograms is allowed to the extent it lessens debt financing and allows projects and programs to move forward based on their readiness. In the Strategic Plan updates, revenues and expenditures within each program and/or subprogram will be reported and options for reconciling any share imbalance will be discussed. At each of the 15-year updates of the Renewal Investment Plan, each of the programs and/or subprograms will have received their respective percentage shares per the Investment Plan.

Compliance Test and Timely Use of Funds

Every five (5) years there will be a compliance audit where jurisdictions must certify to the Authority that they have spent their allocated funds; however, local agencies will be able to accumulate program and subprogram funding for up to five (5) years if needed for match purposes, to accommodate a large project or for other justifiable reasons. The process will be detailed in the Strategic Plan.

If an agency is not in compliance with the five (5) year mandate, agencies must inform MCTA as to why the funds are not being expended. If justification is not provided to the satisfaction of the Authority, funds may be withheld until the jurisdiction is compliant and further may be subject to an Investment Plan amendment, reallocating the funds upon consideration and approval of the Authority.

Performance Measures

Performance measures incorporated in these Guidelines, developed for the Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), or to be developed following approval of the Investment Plan and these Guidelines in July 2022 and prior to the date that the Renewal Measure takes effect, will be applied to all programs and subprograms to ensure that the requirements set forth in each program and subprogram are addressed.

In addition, local agencies with less than 25,000 population may borrow against, if there is sufficient capacity, the agency's future annual Measure T Renewal program and subprogram allocations or shares to provide the flexibility in a timely manner, without holding allocated Measure T Renewal funding for multiple years until a project(s) could be delivered.

Guideline Amendments

Revisions or amendments to these Implementing Guidelines shall follow the same amendment process established for the Measure T Renewal Investment Plan under the Administration, Plan Update and Approval Process.

Program and Project Management Firms

This Measure T Renewal, if approved by the voters, will require substantially more monitoring, analysis, and reporting than the current Measure. In addition to independent staff, the authority may also contract with a private entity in conformance with applicable procurement procedures for the procurement of engineering, project management, and contract management services, per PUC 180000, Section 180106 (a-b) and Section 180153. The primary responsibility of enhanced program management would be to assist with developing and monitoring performance measures as discussed in the Renewal Investment Plan and these Implementing Guidelines. Other potential periodic assistance will be required to consider updating various documents, such as the Regional Active Transportation Plan, Short and/or Long-Range Transit Plan, Electric Vehicle Readiness, Public Engagement, Outreach, Regional Pavement Management Plan, etc. Enhanced Program Management could also include project management within the Major Routes, Access and Safety Improvement Program and other responsibilities necessary for efficient and effective implementation of the various programs. Enhanced program and/or project management responsibilities are part of program and project delivery and separate from activities in the Administration Program.

Definitions

“Constructed” is defined as the construction of a new roadway or portion of a roadway that did not previously exist including projects to increase the capacity of an existing street or road.

For the purposes of this section, “Reconstructed” is defined as the existing full improvement of an existing roadway, but which does not include additional lane capacity. Reconstruction may or may not include shoulder widening.

Other Requirements

✓ **Claims Process/Disbursements**

Allocations for programmatic funding will be on an annual basis, in accordance with formulas specified above. Disbursement of actual funds will be on a quarterly basis upon receipt of Measure T dollars from the California Department of Tax and Fee Administration (CDTFA).

✓ **Monitoring/Reporting Requirements**

Local agencies claiming Measure T funds will be required to submit annual reports regarding the expenditure of Program funds for specific projects and/or programs included in its approved Capital Improvement Program (CIP), or Annual Expenditure Plan (AEP), an Annual Work Program (AWP), or by local agency Resolution for a project or list of projects and/or programs, including other funding sources applied to fully fund the projects and/or programs. It will be necessary for the Authority to identify and account for Measure T expenditures

and to identify how well Measure T funds have “leveraged” other funds for Measure transportation projects and/or programs.

In addition, the implementing local agency will provide signage at construction sites for projects funded partially or wholly by Measure T sales tax revenue so that the Madera County taxpayers are informed as to how funds are being used. The signage shall be in conformance with specifications approved by and on file with the Authority.

Funds determined by an audit not to have been expended as provided for in a local agency’s claim for Measure T funds shall be repaid in full plus interest that would have been accrued.

✓ **Audit Process**

Authority and local agency expenditures will be audited in accordance with requirements set forth in Public Utilities Code Section 180000 et seq.

Measure T Renewal Investment Plan Programs

The following sections include details regarding each of the individual Measure T Renewal Investment Plan programs. Each program has a different set of requirements and processes given the transportation needs and goals each is to address over the life of the Renewal Investment Plan. Programs included in these Guidelines include the following:

- ✓ 62.5% of the Measure Renewal funding will be allocated to the **Community and Neighborhood Streets and Roads Program**, which includes three (3) Subprograms:
 1. The **Local and Neighborhood Street Maintenance and Pothole Repairs Subprogram** – 35% of expected Measure funds are directed to “Fix-It-First” activities and programs. Projects include pothole repair, asphalt overlay, and other road maintenance activities.
 2. The **Community and Neighborhood Streets and Roads Subprogram** – 15% of the funds are directed to needs that each of the cities and Madera County can allocate to other street and road improvements (including Maintenance Districts).
 3. The **Local Flexibility Subprogram** – 12.5% of the funding is directed to transportation needs including local streets and roads, rehabilitating aged local systems and other local street and road improvements, safe routes to school improvements, pedestrian, bicycle, and trail improvements, enhanced public transit improvements, and/or other transportation improvements so that they can address their own individual transportation needs over the life of the Measure.
- ✓ 25% of the Measure will be directed toward the **Major Routes, Access and Safety Improvements Program**, which includes major corridors, interchange modifications, and other improvement projects along State Highways, and major arterials throughout the County. These projects will enhance connections within the urban area and access between the cities and rural communities.
- ✓ 4% of the Measure funding will be allocated to **Public Transit Program** systems and services throughout the County, including Chowchilla Transit, Madera Transit, and Madera County Connection.
- ✓ 4% of the Measure will be allocated to **Safe Routes to School and Pedestrian and Bike Safety Program** for improvements, including bicycle, pedestrian, and trail projects, safe routes to school, access for people with disabilities, and other safety-related improvements.

- ✓ 3% of the funds are available to the local agencies for projects that enhance **Clean Air and New Technology Program**, including clean transportation projects and programs and other projects that will improve air quality, address climate change, and improve health.
- ✓ 1.5% of the Measure will be allocated to **Administration and Planning Program** for administration and planning activities of the Authority and MCTC.

Program 1 – Community and Neighborhood Streets and Roads Program

The Community and Neighborhood Streets and Roads Program includes three (3) Subprograms as detailed below.

Subprogram 1A – Local and Neighborhood Street Maintenance and Pothole Repairs Subprogram

Overview/Purpose

The Local and Neighborhood Street Maintenance and Pothole Repairs Subprogram is intended to bring the road systems within the two (2) incorporated cities and the rural unincorporated areas of Madera County, including arterials, collectors, and neighborhood streets, to an average Pavement Condition Index (PCI) of at least 70, which is within the “Good” category. Repairing, rebuilding, and maintaining the road system will have long-term benefits for future generations of Madera County residents. A road system in “Good” condition is very economical to maintain with a 2022 estimated cost of \$4.50 per square yard (SY) of pavement. Allowing the road system to remain in Fair or Poor condition has a much higher cost of \$22 to \$60 per SY.

Raising the individual local agency PCI levels to a minimum of 70 will cost approximately \$1.3 billion over the next 30 years. If this goal is not accomplished within 30 years, the cost will escalate, primarily due to more roadways falling into disrepair. Local agencies should seek other State, federal or local funding to achieve, to the extent possible, the 70 PCI goal.

In efforts to reach this PCI goal, agencies must also expend resources to prevent roads in “Good” condition from degrading into “Fair” or “Poor” condition. This Subprogram includes funding for “preventative maintenance” treatments for roads currently in good condition, and funds for rebuilding failing roads.

Eligible Agencies

Local and Neighborhood Street Maintenance and Pothole Repairs Subprogram proceeds will be allocated to each of the agencies listed below. Each of the cities and the County of Madera will receive an annual allocation of Measure T Renewal funding for the maintenance projects and programs using Local and Neighborhood Street Maintenance and Pothole Repairs Subprogram funds.

- ✓ City of Chowchilla.
- ✓ City of Madera.
- ✓ County of Madera.

Distribution of these funds to each of the eligible agencies is based on population estimates released by the State of California Department of Finance.

MCTA may periodically prepare or update the Regional Pavement Management Plan or other related regional documents. Such costs would come off the top of the annual program funding estimate.

Performance Indicators

Each agency must determine how to manage their street and road systems using a combination of road repair and preventative maintenance strategies. The agencies will be required to develop and implement a Pavement Management Program (PMP) (updated triennially). Pavement condition surveys should be updated every three (3) years for arterial and collector streets and no more than every five (5) years for local/residential streets. A 5-year Capital Improvement Program will be updated annually by the local agencies. The program, condition survey and the 5-year Capital Improvement Program will be submitted to MCTA as they are updated. Development and implementation of the Pavement Management Program is an eligible expense within this Subprogram.

The MCTA Board will use these programs and the triennial PMP to evaluate progress towards the 70 PCI goal. Pavement challenges within the three (3) agencies in Madera County are unique. The MCTA performance evaluations will not simply use the 70 PCI benchmark as the determining factor in evaluating performance, but rather will rely on progress towards that goal.

MCTA/MCTC may prepare a Regional Pavement Management Plan to monitor regional PCI improvement progress should such analysis be needed in the future.

Independent financial audits of this subprogram will be performed annually to verify that funds were expended consistent with subprogram requirements. Agencies found to be out of compliance may be subject to withholding of subprogram funds until appropriate reimbursements are made.

Definitions

Funding within the Local and Neighborhood Street Maintenance and Pothole Repairs Subprogram must be utilized exclusively for street maintenance, repair, or rehabilitation as defined by AB 2928 language for local agency allocations under Proposition 42:

- ✓ *Funds allocated to a city, county..... shall be used only for street and highway maintenance, rehabilitation, reconstruction, and storm damage repair. For purposes of this section, the following terms have the following meanings:*
 - **"Maintenance"** means either or both of the following:
 - Patching.
 - Overlay and sealing.
 - **"Rehabilitation"** means street resurfacing, crack filling, sidewalk and sidewalk ramp replacement, utility dig up and other similar activities.
 - **"Reconstruction"** includes any overlay, sealing, or widening of the roadway if the widening is necessary to bring the roadway width to the desirable minimum width consistent with the geometric design criteria of the department for 3-R (reconstruction, resurfacing, and rehabilitation) projects that are not on a freeway but does not include widening for the purpose of increasing the traffic capacity of a street or highway.
 - **"Storm damage repair"** is repair or reconstruction of local streets and highways and related drainage improvements that have been damaged due to winter storms and flooding, and reconstruction of drainage improvements to mitigate future roadway flooding and damage problems.

These Local and Neighborhood Street Maintenance and Pothole Repairs Subprogram funds are to be focused on repairs and maintenance on the roadway structural section, including shoulders. Repairs to adjacent curb and gutter can be included where necessary to maintain proper street drainage. The installation of new sidewalk, bike lanes, or curb and gutter are not eligible under this subprogram. However, other funding sources, including non-Measure T funding or Measure T funding from the Flexibility Subprogram, can be combined with these subprogram funds to address the entire roadway prism under one project. It is highly recommended that this “combined funding” approach be utilized whenever feasible in order to provide the best overall street system for neighborhoods and to reduce overall costs through combining work under a single contract. Further, roadway restriping in order to repurpose existing travel lanes for bicycle facilities are allowable as long as they do not increase the overall paved width.

Funding Allocation

The Local and Neighborhood Street Maintenance and Pothole Repairs Subprogram consists of 35% of Measure T Renewal revenues estimated to be \$541.3 million during the first 30-years of the Measure. This amount is only 42% of the projected pavement repair need of \$1.3 billion. The Authority will consider bonding of future revenues to accelerate this effort; and will encourage local agencies to consider bonding options. Bonding options by MCTA or the local agencies will comply with PUC 180000, CHAPTER 6. Bonds [180250 – 180264].

Allocations made by the Authority to the local agencies will be based on the implementing agency’s percentage share of the total County population, as derived by the State Department of Finance.

Other Requirements

When the overall PCI of the streets within a jurisdiction either exceeds 80, or the lowest PCI on any street within the jurisdiction is 70 or higher, Local and Neighborhood Street Maintenance and Pothole Repairs Subprogram funds in excess of what is needed to maintain street conditions above a PCI of 70 may be utilized as Local Flexibility Subprogram funds.

Eligible Projects/Programs

- ✓ Street and road maintenance (pavement and pothole repair, drainage improvements, other related improvements including within County Maintenance Districts) including, but not limited to the following:
 - Planning and environmental analysis.
 - Conceptual and preliminary engineering.
 - Design engineering (PS&E).
 - Right-of-way acquisition, support and relocation.
 - Utilities relocation.
 - Construction (rehabilitation, maintenance and/or reconstruction) of streets and roads, unpaved roads, and alleyways.
 - Inspection of construction engineering.
 - Direct staff time (salary and benefits).
 - Consultants selected consistent with a local agency selection process.
 - Construction contractors selected consistent with a local agency selection process.
 - Labor, materials, and equipment for day labor.
 - Public engagement, education programs, marketing.

- Applications of new technologies.
- ✓ Other Requirements including but not limited to the following:
 - Compliance check.
 - Fund accumulation and non-compliance requirements.
 - Claims process/disbursements.
 - Monitoring/reporting requirements.
 - Audit process.
- ✓ Indirect costs (as defined by 2 CFR Part 200) will not be considered an eligible expense and retroactive expenses are ineligible.

Full eligibility will be included in the Authority's Strategic Plan as described in the Investment Plan.

Subprogram 1B – Community and Neighborhood Streets and Roads Subprogram

Overview/Purpose

The Community and Neighborhood Streets and Roads Subprogram is intended to improve each individual cities' and the County's local transportation systems by adding travel lanes to relieve or smooth congestion levels, widening bridges, operational improvements, and providing alternative access and safety improvements within the two (2) incorporated cities and the rural unincorporated areas of Madera County, including local arterial and collector streets and roads. Improving the local or internal street and road system will have long term benefits for future generations of Madera County residents. These improvements will also provide for enhanced alternative mode improvements such as accommodating public transit and providing for Complete Street improvements such as transit, pedestrian, and bike facilities within the right-of-way.

The goal is to improve each individual cities and the County's local transportation systems. Examples of improvements include, but not limited to the following:

- ✓ Add additional lanes to existing streets and roads for congestion relief and improved safety.
- ✓ Improve sidewalks.
- ✓ Complete Streets (improvements that accommodate autos, bicycles, pedestrians, and transit services).
- ✓ Traffic control devices to enhance student and public safety.
- ✓ Separating street traffic from rail traffic (grade separation projects).
- ✓ Bridge improvements.

The local agencies in Madera County know what the needs are and how best to address those needs.

In addition, this Subprogram will augment:

- ✓ Existing local, federal, and State funds for local streets and roads.
- ✓ Any other form of transportation that provides safe routes to schools and places of employment.

Eligible Agencies

Community and Neighborhood Streets and Roads Subprogram proceeds will be allocated to each of the agencies listed below. Each of the cities and the County of Madera will receive an annual allocation of Measure T Renewal funding for the local street and road projects and programs using Community and Neighborhood Streets and Roads Subprogram funds.

- ✓ City of Chowchilla.
- ✓ City of Madera.
- ✓ County of Madera.

Distribution of these funds to each of the eligible agencies is based on population estimates released by the State of California Department of Finance.

Performance Indicators

Each agency must determine how to improve their street and road systems considering various performance indicators and measures designed to identify level of service (LOS) deficiencies and safety issues and requirements. The agencies will be required to reflect needed project improvements within a 5-year Capital Improvement Program (updated annually). The 5-year Capital Improvement Programs will be submitted to MCTA as they are updated.

Funding Allocation

The Community and Neighborhood Streets and Roads Subprogram consists of 15% of Measure T Renewal revenues estimated to be \$125.9 million during the first 30-years of the Measure. This amount is only 25% of the projected local streets and roads improvements need of \$507 million. The Authority will consider bonding of future revenues to accelerate this effort; and will encourage local agencies to consider bonding options. Bonding options by MCTA or the local agencies will comply with PUC 180000, CHAPTER 6. Bonds [180250 – 180264].

Subprogram Disbursement Process/Requirements

- ✓ Funding Allocation Process:
 - Allocations made by the Authority to the local agencies will be based on the implementing agency's percentage share of the total County population as derived by the State Department of Finance.

Eligible Projects

- ✓ Community and Neighborhood Streets and Roads Subprogram funding can be used on a wide variety of transportation projects and services including, but not limited to the following:
 - Lane widening.
 - Bridge Improvements.
 - Conversion to Higher Capacity Facility.
 - Gap Project.
 - Extension Facility.
 - Railroad Grade Separation Projects.
 - Operational improvements (traffic signals, shoulder improvements, channelization, round-a-bouts, passing lanes, fiber optics, signal coordination, intersection modifications, streetlights, etc.).
 - Safety improvements (street, road, highway, rail, other).
- ✓ Eligible investments would include all recognized project phases including, but not limited to the following:
 - Planning and environmental analysis.
 - Conceptual and Preliminary engineering.
 - Design engineering (PS&E).
 - Right-of-way acquisition, support and relocation.
 - Utilities relocation and undergrounding when required by local agency code
 - Inspection of construction engineering.
 - Direct staff time (salary and benefits).
 - Consultants selected consistent with a local agency selection process.
 - Construction contractors selected consistent with a local agency selection process.
 - Labor, materials, and equipment for day labor.

- ✓ Other Requirements including, but not limited to the following:
 - Compliance check.
 - Fund accumulation and non-compliance requirements.
 - Claims process/disbursements.
 - Monitoring/reporting requirements.
 - Audit process.

Indirect costs (as defined by 2 CFR Part 200) will not be considered an eligible expense and retroactive expenses are ineligible.

Full eligibility will be included in the Authority's Strategic Plan as described in the Investment Plan.

Subprogram 1C - Flexibility Subprogram

Overview/Purpose

The intent of the Flexibility Subprogram is to recognize:

- ✓ Not every community in Madera County has the same transportation needs.
- ✓ Transportation needs can change over time.
- ✓ Local match funding is almost always a requirement for transportation funding grant programs, and the larger the match, the more competitive grant applications typically are.
- ✓ The Measure T program cannot possibly predict all the transportation needs within a community over time; agencies need flexibility to adapt to changing needs.

This Flexibility Subprogram is intended to give the three local agencies in Madera County flexibility to respond to each of these situations and more. It is intended to allow each agency to determine how to most effectively spend these transportation dollars. These funds can be used for projects or services that do not fit well within the other Measure T Programs, or they can be used to supplement those programs if the need is greater than the funds those Programs provide.

Implementing Agencies

Flexibility Subprogram proceeds will be allocated to each of the agencies listed below. Each of the cities and County of Madera will receive an annual allocation of Measure T Renewal funding for the improvement of projects and systems funded using Flexible Subprogram funds.

- ✓ City of Chowchilla.
- ✓ City of Madera.
- ✓ County of Madera.

Funding Allocation Process

Allocations made by the Authority to the local agencies will be based on an implementing agency's percentage share of the total County population as derived by the State Department of Finance.

Eligible Projects

Flexible Subprogram funding can be used on a wide variety of transportation projects and services including, but not limited to the following:

- ✓ Pedestrian/trails/bicycle facilities:
 - Pedestrian/trails/bicycle projects (new facilities or maintenance of existing facilities).
- ✓ Public transportation/mobility:
 - On-demand service/microtransit.
 - ADA/seniors/paratransit.
 - Vanpool programs.
 - Rideshare programs.

- Bus stop facilities.
- ✓ Transit Oriented Development (TOD) infrastructure improvements.
- ✓ EV fleet conversion/infrastructure.
- ✓ Underground infrastructure to accommodate internet connectivity.
- ✓ Litter abatement along streets, roads, or highways.
- ✓ Street maintenance/rehabilitation/expansion:
 - Eliminating bottlenecks in existing streets caused by inconsistent growth patterns.
 - Additional lanes in street and road projects.
 - Rehabilitation/maintenance/reconstruction projects.
 - Signals and other stop control devices or signage.
 - Safety improvements; vehicles, bikes, and pedestrians.
 - Medians.
 - Street trees and street landscaping.
 - Sidewalks and sidewalk repairs.
 - Street lighting.
 - Bridges (car and pedestrian).
 - Alleys (new and maintenance and repair of existing alleys).
 - Street striping including centerlines, fog lines, crosswalks, and bike lanes.
 - Intelligent Transportation Systems (ITS) elements or projects.
- ✓ ADA Compliance:
 - Curb cuts, ramps, and striping to remove barriers.
 - Other improvements necessary to meet transportation ADA standards and requirements.
 - Other special transportation services.
- ✓ Supplement other Measure Program Projects.
- ✓ Grade separations.
- ✓ Other transportation-related improvements/projects (street sweepers, detour equipment, etc.).
- ✓ Eligible investments would include all recognized project phases including, but not limited to the following:
 - Planning and environmental analysis.
 - Conceptual and preliminary engineering.
 - Design engineering (PS&E).
 - Right-of-way acquisition, support and relocation.
 - Utilities relocation.
 - Inspection of construction engineering.
 - Direct staff time (salary and benefits).
 - Consultants selected consistent with a local agency selection process.
 - Construction contractors selected consistent with a local agency selection process.
 - Labor, materials, and equipment for day labor.
- ✓ Other requirements including, but not limited to the following:
 - Compliance check.
 - Fund accumulation and non-compliance requirements.
 - Claims process/disbursements.
 - Monitoring/reporting requirements.
 - Audit process.

Indirect costs (as defined by 2 CFR Part 200) will not be considered an eligible expense and retroactive expenses are ineligible.

Full eligibility will be included in the Authority's Strategic Plan described in the Investment Plan.

Other Requirements

- ✓ **New Pedestrian Facilities:** Every highway, expressway, super-arterial, arterial or collector (exempting freeway) within the urbanized areas throughout the County that is constructed or reconstructed in whole or in part with Measure T funds shall strive to include sidewalks, paths, walkways, or equivalent facilities on both sides of the street, road, or highway for use by pedestrians. Facilities built and maintained by the State of California and projects, which are either for routine maintenance or traffic safety purposes, are exempt from this requirement. Expressways constructed in an urban area can meet this requirement by including a sidewalk, paths, walkways, or equivalent facility on one side of the roadway. While facilities built on the State Highway system are exempt, inclusion of pedestrian facilities on State Highways is highly encouraged if they can be accommodated in a safe manner. The State of California will be the final decision maker on State Highway projects.
- ✓ **New Bicycle Facilities:** Every highway, expressway, super-arterial, arterial or collector within the County constructed or reconstructed in whole or in part with Measure T funds shall strive to include accommodations for bicycle travel either by a shared roadway or by bike lane if the route is designated in an approved Active Transportation Plan. A shared roadway includes a paved shoulder or a wide outside lane. On a city or county street, road or highway, or upon a State highway that is classified as freeway or urban area expressway and not already expressly closed by order, ordinance or resolution to bicycle or pedestrian use under Section 21960 of the California Vehicle Code, the accommodation shall be by paved shoulder or Class I separated bicycle path and appropriate Manual on Uniform Traffic Control Devices (MUTCD) signing and striping. Similarly, in the future, and consistent with the provisions of Section 888 of the Streets and Highway Code, Caltrans shall not sever or destroy an existing or proposed major bicycle route included in an adopted bicycle plan unless it provides a reasonable, safe, and convenient alternate route or such a route exists. Identical provisions also apply to all local agencies within the County. While not mandatory, but where circumstances require the closure of an existing bike facility, the intent is to provide an alternate bicycle route within ¼ mile or less of the severed route. While facilities built on the State Highway system are exempt, inclusion of bicycle facilities on State Highways is highly encouraged if they can be accommodated in a safe manner. The State of California will be the final decision maker on State Highway projects.
- ✓ **Maintained Pedestrian or Bicycle Facilities:** Any maintenance to a street, road, or highway funded in whole or in part by Measure T funds shall, to the extent possible, maintain the existing level of pedestrian and bicycle access, facilities and safety features along and across the street, road, or highway.

Performance Indicators/Objectives

Performance criteria/objectives and performance measures will be developed as specified in each of the other Programs included in the Guidelines.

Program 2 - Major Routes, Access and Safety Improvements Program

Overview/Purpose

The Major Routes, Access and Safety Improvements Program is intended to provide funding to transportation improvement projects and/or programs on facilities or corridors of regional significance. These projects support the movement of goods, services, and people in Madera County. These projects are typically on the State Highway system or the regionally significant roadway system and are in or directly benefitting more than one jurisdiction or area of the County.

Due to the scale and scope of projects in this Program, the funding support from Measure T for this program is largely intended to act as a funding match for State and Federal program funding opportunities.

25% of the Measure T funds are allocated to Major Routes, Access and Safety Improvements Program projects and/or programs. These projects may also be supplemented by a local agency's Flexibility Subprogram funding allocation since Flexibility Subprogram funding can be applied to any transportation-related program or improvement project.

Major Routes, Access and Safety Improvements Program projects must be listed in the relevant Regional Transportation Plan and Sustainable Communities Strategy (RTP/SCS), which is updated every four years and amended as needed and adopted by the MCTC Policy Board. The projects within the RTP/SCS are selected through a process that evaluates safety, performance measures, equity, health, and cost effectiveness. The RTP/SCS addresses transportation needs and projects over a 25-year period.

This program identifies priority regional street and highway improvement projects to be implemented within the first 15 to 20 years or Phase 1 of the Measure Renewal. The projects may be funded with Measure, State Transportation Improvement Program (STIP), other State and federal funds, and/or other local transportation funding.

The investment objectives are to:

- ✓ Provide additional funds to make up anticipated shortfalls to meet regional street and highway improvement needs.
- ✓ Leverage discretionary State and federal funding from all available sources.
- ✓ Accelerate delivery of street and highway projects that may otherwise be delayed because of other funding shortages.

Eligible Agencies

Major Routes, Access and Safety Improvements Program proceeds may be allocated by the Authority to implementing agencies in accordance with an executed agreement between the Authority and the implementing agency, which has agreed to plan for, design, and construct a Phase 1 project. If the Authority decides that it will deliver a Major Routes, Access and Safety Improvements Program Candidate Phase 1 Project, the Authority must identify such in the Annual Work Program and in the Transportation Improvement Program (TIP).

Eligible Projects / Funding Allocation

Eligible projects for this Program include major regional street, road and highway improvements as listed in the 2022 RTP/SCS and to be included in future updates of the region's long-range transportation plan. The scope of these projects includes, but not limited to the following:

- ✓ Bridge improvements.
- ✓ Conversion to higher capacity facility.
- ✓ Gap projects.
- ✓ Lane widening.
- ✓ Extension facility.
- ✓ Railroad grade separation projects.
- ✓ Operational improvements (traffic signals, shoulder improvements, channelization, round-a-bouts, passing lanes, fiber optics, signal coordination, intersection modifications, streetlights, etc.).
- ✓ Interchange and interchange modification projects.
- ✓ Safety improvements (street, road, highway, rail, other).
- ✓ Smart corridors.
- ✓ Freeway service patrol.
- ✓ Public engagement, education programs, marketing.
- ✓ Intelligent Transportation System (ITS) improvements.
- ✓ New technology applications.
- ✓ Bonding costs, if applicable.
- ✓ Eligible investments would include all recognized Subprogram project phases including:
 - Planning and environmental analysis.
 - Conceptual and Preliminary engineering.
 - Design engineering (PS&E).
 - Right-of-way acquisition, support and relocation.
 - Utilities relocation and undergrounding.
 - Construction of any transportation-related project including alleys and unpaved road.
 - Inspection of construction engineering.
 - Direct staff time (salary and benefits).
 - Consultants selected consistent with a local agency selection process.
 - Construction contractors selected consistent with a local agency selection process.
 - Labor, materials, and equipment for day labor.
- ✓ Necessary Authority oversight costs (MCTA/MCTC staff or consultant services to manage the delivery of Regional Highways, Streets and Roads Program projects financed using Measure funds).
- ✓ Other Requirements including:
 - Compliance check.
 - Fund accumulation and non-compliance requirements.
 - Claims process/disbursements.
 - Monitoring/reporting requirements.
 - Audit process.

Indirect costs (as defined by 2 CFR Part 200) will not be considered an eligible expense and retroactive expenses are ineligible.

During the first 15- to 20-years of the Measure Renewal, Phase 1 Candidate Projects (Phase 1) may be implemented by the local jurisdictions in coordination with the Authority and Caltrans (where applicable). Phase 1 projects to be implemented within the first 15 to 20 years of the Measure Renewal are included in Table 4 and graphically displayed in Figures 2 through 4 in the Measure T Renewal Investment Plan. The Phase 1 list of projects or future project phases will be delivered considering funding availability and project readiness. The table will be revised and updated during preparation of the biennial Measure T Renewal Strategic Plan (if needed). These projects will be funded using:

- ✓ Measure funding (approximately **\$102.5 million**).
- ✓ State funding from the State Transportation Improvement Program (STIP), SHOPP and other State, federal and local funding including developer fees expected over the 15-year period.

MCTC staff and the Steering Committee believe, based upon current assumptions, that such funding will be available to address this funding need. While greater than 50% of funding for the Phase 1 projects is needed to address project costs from other than Measure and State and federal funding opportunities, such as STIP, new growth and development throughout the County will be contributing to the total cost of Phase 1 project costs as part of local agency Traffic Impact Fee (TIF) programs. It is assumed that the remainder would be received from additional developer fees, and other State and federal funding.

These funding sources together result in more than \$201 million available for Phase 1 highway, street, and road improvement projects throughout the County. Additional projects are included in the RTP/SCS list of financially constrained projects. Additional projects will be considered for funding once Phase 1 projects have been programmed or implemented. During preparation of the biennial Strategic Plan updates, the Authority and MCTC will develop a detailed improvement program that specifies the timing and delivery of projects, or funding order considering project cost benefit, project readiness, funding availability, etc. A description of funding commitments and implementing guidelines for the Major Routes, Access and Safety Improvements Program are provided in the Implementing Guidelines.

The Authority will conduct biennial Major Routes, Access and Safety Improvements Program reviews and updates (if needed), the purpose of which will be to ascertain project delivery status, as well as validity of funding availability. Adjustments to delivery schedules and funding contributions may be necessary for these updates.

Beginning no later than 2041, the Authority will conduct a comprehensive public engagement process to help guide the effort to establish the list of projects to be funded during the second half of the 30-year period. No later than 2042, the Authority will adopt a list of projects to be funded during the second 15-year period. That same process will continue for each future 15-year period.

The Authority may consider bonding of future revenues if project needs and deliverability exceed cash flow.

Disbursement Process/Requirements

Up to 25% of the Measure T funds are allocated to Major Routes, Access and Safety Improvements Program projects and/or programs. These projects may also be supplemented by a local agency's Flexibility Subprogram funding allocation since Flexible Subprogram funding can be applied to any transportation-related program or improvement project.

Allocations made by the Authority to implementing agencies will be based on the approved Phase 1 list of projects updated every fifteen (15) years beginning in Year fourteen (14) of the Measure T Renewal update or revision cycle.

The MCTA has agreed that the detailed scoping of eligible projects and/or programs under this Program will occur at the local level by the local agencies or Caltrans. Approval of a Capital Improvement Program (CIP) listing of eligible projects and/or programs, or an Annual Expenditure Plan (AEP), an Annual Work Program (AWP) or a Resolution approving an eligible project or list of projects and/or programs will occur at publicly-noticed meetings of each local agency (City Councils and the Board of Supervisors). Each local agency will strive to post the public notices and project information on their agency's website.

Performance Indicators

Each agency must determine how to improve their street and road systems considering various performance indicators and measures designed to identify level of service (LOS) deficiencies and safety issues and requirements. The agencies will be required to reflect needed project improvements within a five-year Capital Improvement Program (updated annually). The 5-year Capital Improvement Programs (CIPs) will be submitted to MCTA as they are updated.

To ensure that Measure T funds are allocated appropriately and provide "measurable" outcomes, funding for a project may be deleted from the Phase 1 list of projects, if during an Implementation Plan update [which will occur every fifteen (15) years beginning in the fourteenth (14th) year of the cycle or sooner, if necessary], a detailed evaluation of the feasibility and likelihood of implementing a proposed project/program is not imminent, or if construction is not imminent within 15-years after the Measure passes. The funds would then be available for other projects reflected in the current RTP/SCS and to be identified during the Measure T Investment Plan update process.

Other Requirements

✓ **Claims Process/Disbursements**

All allocations of Measure T Major Routes, Access and Safety Improvements Program funds by the Authority to implementing agencies must be in accordance with an executed agreement between the Authority and the implementing agency, which has agreed to plan for, design, and construct a Phase 1 project. If the Authority decides that it will deliver a Major Routes, Access and Safety Improvements Program project, the Authority must identify such in the Annual Work Program and in the Transportation Improvement Program (TIP).

✓ **Monitoring/Reporting Requirements**

Local agencies, Caltrans or the Authority claiming Measure T Major Routes, Access and Safety Improvements Program funds will be required to submit annual reports regarding the expenditure of Program funds for Phase 1 or future project phases during preparation of the Authority's Annual Work Program (AWP). It will be necessary for the Authority to identify and account for Measure T expenditures and to identify how well Measure T funds have "leveraged" other funds for Measure transportation projects and/or programs.

In addition, the implementing agency will provide signage at construction sites for projects funded partially or wholly by Measure T sales tax revenue so that the Madera County Taxpayers are informed as to how funds are being used. The signage shall be in conformance with specifications approved by and on file with the Authority.

Major Routes, Access and Safety Improvements Program funds utilized to supplement projects or programs funded by one of the other Measure T programs will follow the reporting requirements of those programs.

✓ **Audit Process**

Local agency, Caltrans or Authority/MCTC expenditures under this program will be audited in accordance with requirements set forth in Public Utilities Code Section 180000 et seq. Funds determined by an audit not to have been expended as provided for in an implementing agency’s claim for Measure T Major Routes, Access and Safety Improvements Program funds shall be repaid in full plus interest that would have been accrued.

✓ **Incorporate Complete Street Components**

Implementing agencies recognize the need for complete streets and will accommodate elements that create a Complete Street wherever it is feasible within the scope of projects in the Major Routes, Access and Safety Improvements Program. A Complete Street is a transportation facility that is planned, designed, operated, and maintained to provide safe mobility for all users including pedestrians, bicycles, transit vehicles, trucks, and motorists.

Complete Street components should adhere to established State, regional, or local guidelines as appropriate for an individual project unless a clear exception is documented and approved in the project development process.

The MCTC Complete Streets Policy published in 2018 provides a key framework and provides clear directives on project prioritization for the Madera County region while giving local jurisdictions flexibility in the design of specific programs or projects. The MCTC Complete Streets Policy complements the California Complete Streets Act of 2008, which requires the adoption of Complete Streets policies in the circulation elements of General Plans. Madera County has adopted the policy.

Program 3 – Public Transit Program

Overview/Purpose

The goal of this program is to provide effective, accessible public transit services that are affordable and offer a seamless travel experience for Madera residents. This program will expand or enhance mobility options for seniors, disabled persons, and other transit dependent populations and will offer alternatives that reduce single-occupancy vehicle trips and greenhouse gas (GHG) emissions and contribute to improved air quality.

Four percent (4%) of Measure T funding is projected to fund improvements to the existing and planned public transit systems in the urban areas and rural areas of Madera County. The Measure T allocation to this program will allow local agencies to be well-positioned to leverage and maximize State and federal funding.

Implementing Agencies

- ✓ Public Transit Program proceeds will be allocated to the following agencies:
 - City of Chowchilla.
 - City of Madera.
 - Madera County.

MCTA may periodically prepare or update Transit Plans or other related regional documents. Such costs would come off the top of the annual program funding estimate.

Each agency will receive an annual allocation of Measure T funding for public transit service improvements. The City of Chowchilla operates Chowchilla Area Transit Express (CATX), a demand-response service primarily within its city limits. The City of Madera operates Madera Metro fixed-route services and Madera Dial-A-Ride primarily serving the Madera Urbanized Area. Madera County operates Madera County Connection (MCC) inter-community fixed-route service and demand-response services that primarily serve the Chowchilla/Fairmead, Madera Urbanized Area, Eastern Madera County, and other unincorporated areas of Madera County. Performance measures will be used to determine if Public Transit Program funds are effective at reducing vehicle trips and vehicle miles traveled (VMT).

Funding Allocation

Of the total funds available, not more than 4% of Measure T funds will be allocated to the Public Transit Program for public transit system services, programs, and/or projects.

Funds will be allocated annually based on an implementing agency's percentage share of the total County population as derived by the State Department of Finance.

Proposed projects must be included in an agency's Capital Improvement Program (CIP) or Annual Expenditure Plan (AEP), Short-Range Transit Plan, Regional Transportation Plan, Master Plan, or through a resolution approving an eligible project or list of projects and/or programs at a publicly-noticed meeting of each local agency (City Councils and the Board of Supervisors). Each local agency also will post the public notices and project information on their agency's website.

Eligible Projects

Funds are to be expended in accordance with the applicable provisions of the Investment Plan and the Public Utilities Code Section 180000 et seq.

Funds in this program may only be allocated to a public transit-related project or program. Eligible projects and/or programs may include urban and rural fixed-route and demand-response operating needs and capital improvements for the general public, seniors, and disabled persons. Transit agencies will use the funds to address diverse operating and capital needs, including but not limited to the following:

- ✓ Core operations and capital improvements:
 - Route and demand-response improvements.
 - Evening and weekend service.
 - Cost-effective solutions to improve mobility in unserved or underserved areas.
 - Specialized transportation needs for seniors and disabled persons.
 - Safer access to public transit services.
 - Seamless fare media systems.
 - Transit fare subsidies (i.e., senior/disabled scrip program).
 - Fare payment options (i.e., vouchers for taxis or transportation provided by family/friends for those living in remote rural locations where it may not be financially feasible to provide regular bus service).
 - Fleet improvements, replacements/expansions, conversion to clean technologies.
 - Bus stop and signage enhancements.
 - Bus shelters and related amenities.
 - Bus turnouts.
 - Multi-modal transportation services and facilities.
 - Infrastructure improvements and development.
 - Other projects related to the delivery of public transit services or programs.
 - Transit safety enhancements.
 - Transit support facilities.
 - Regional planning, studies, and grant writing (MCTA/MCTC staff or consultant services).
 - Local agency planning, studies, and grant writing.
 - Public engagement, education programs, marketing.
- ✓ New/innovative public transit services/systems:
 - Service optimization with transportation network companies (i.e., Uber; Lyft).
 - Autonomous shuttles/vehicles.
 - First/last-mile connections.
 - Microtransit - flexible routing and scheduling.
 - Shared "rides."
 - Shared "vehicle" rentals.
 - Transit signal priority.
 - Dedicated bus lanes.
- ✓ Large transit and multi-modal projects:
 - Bus rapid transit.
 - Light rail transit.
 - Amtrak access facilities (i.e., pedestrian; bike, etc.).
 - Multi-modal mobility hubs.

- Other new technology applications.
- ✓ Eligible investments (i.e., all recognized project phases):
 - Planning and environmental analysis.
 - Conceptual, preliminary and design engineering (PS&E).
 - Right-of-way acquisition, support, and relocation.
 - Utilities (including relocation).
 - Inspection of construction engineering.
 - Direct staff time (salary and benefits).
- ✓ Other eligible expenditures:
 - Claims process/disbursements.
 - Monitoring/reporting requirements.
 - Audit process.

Indirect costs (as defined by 2 CFR Part 200) and retroactive costs will not be considered eligible expenses.

Full eligibility will be included in the Authority's Strategic Plan described in the Investment Plan.

Performance Indicators

Eligible projects will be evaluated based on performance measures noted below to ensure that Measure T funds are allocated to effective programs that provide "measurable" results in reducing single-occupancy vehicle use.

California law requires that a performance audit of transit operators be conducted every three (3) years to evaluate the efficiency and effectiveness of their operations and activities. While many performance measures may be used to evaluate transit performance, five (5) performance measures prescribed by California law may be used as metrics for Public Transit Program services and projects, as follows:

1. Operating Cost per Passenger.
2. Operating Cost per Vehicle Service Hour.
3. Passengers per Vehicle Service Hour.
4. Passengers per Vehicle Service Mile.
5. Vehicle Service Hours per Employee.

The use of transit performance measures to evaluate urban and rural transit operations must consider each agency's unique operating environment, geographic service area characteristics, and demographics. Less densely populated rural cities and unincorporated communities, for example, typically require transporting riders longer distances compared to more densely populated urban areas. As a result, operating costs per passenger and per hour may be significantly higher for rural versus urban operators.

Performance measures will be an essential tool for evaluating annual performance and observing performance trends of diverse urban and rural transit operations and projects. In addition, this evaluation will play an integral role in refining performance measures and determining the effectiveness of the Public Transit Program funded by Measure T.

Program 4 – Safe Routes to School and Pedestrian and Bike Safety Program

Overview/Purpose

The Safe Routes to School and Pedestrian and Bike Program aims to provide additional funding for bike, pedestrian, and trail facilities and services and safe routes to schools that will increase safety, which will reduce automobile trips and vehicle miles traveled, thereby improving air quality, reducing greenhouse gas emissions, and improving health. Improvements to the existing and planned pedestrian, trail, and bicycle systems have gained prominence around the State and within Madera County. As a result, there are significant opportunities for funding these types of projects using State and federal funds. The Measure T allocation to this Program will provide additional opportunities for the local agencies to leverage State and federal funding.

Approximately 4% of Measure T Renewal funding is provided to fund improvements to the existing and planned bike, pedestrian, and trail systems.

Eligible Agencies

Safe Routes to School and Pedestrian and Bike Program proceeds will be allocated to each of the following agencies. Each of the cities and the County of Madera will receive an annual allocation of Measure T Renewal funding to improve Safe Routes to School and Pedestrian and Bike Program projects and systems. In addition, MCTA and MCTC may receive funding to prepare the RTP/SCS and develop and apply performance criteria to determine if the Measure T funding effectively reduces vehicle trips and vehicle miles traveled (VMT).

- ✓ City of Chowchilla.
- ✓ City of Madera.
- ✓ County of Madera.

MCTA may periodically prepare or update Active Transportation Plans (ATPs) or other related regional documents. Such costs would come off the top of the annual program funding estimate.

Funding Allocation

Not more than 4% of available Measure T funds will be allocated to the Safe Routes to School and Pedestrian and Bike Program for bicycle, pedestrian, and trail projects. Allocations will be made annually based on population as derived by the State Department of Finance.

- ✓ Any allocations made to the Authority and MCTC to develop performance objectives will be paid to the two (2) agencies based on actual costs of staff or consultant time and expenses.
- ✓ Any allocations to MCTC to prepare or update the Madera Regional Active Transportation Plan will be paid to MCTC based on actual costs of staff or consultant time and expenses.
- ✓ Inclusion of projects in an approved budget or related program.
- ✓ Active Transportation projects shall be included in a local agency Capital Improvement Program (CIP) or Annual Expenditure Plan (AEP), or Annual Budget, or by a resolution approving an eligible project or list of projects and/or programs at a public hearing of each local agency.

- ✓ The Authority and MCTC shall include the development of performance measures or criteria in its annual budgets or Overall Work Program (OWP).
- ✓ MCTC shall include the development or Update of the Madera Regional Active Transportation Plan in its annual budget or Overall Work Program (OWP).

Active Transportation Plan Requirements

By January 1, 2030, all jurisdictions within Madera County will have updated and/or adopted an Active Transportation Plan for Trail, Bicycle, and Pedestrian Facilities that promotes connectivity and Complete Streets within all of Madera County and its urban areas. Measure T Renewal funds may be used, but not limited to the following activities:

- ✓ Development or update of a local agency's Active Transportation Plan.
- ✓ Development or update of the Madera Regional Active Transportation Plan.

The Active Transportation Plan or Madera Regional Active Transportation Plan will be the guiding documents for upgrade and/or installation of such facilities.

Should any jurisdiction fail to meet this requirement, the allocated funds for the Active Transportation facilities shall be withheld by the Authority until the jurisdiction complies.

Earmark Thresholds

Jurisdictions with a population of less than 25,000 are exempt from the allocated funds for Active Transportation Program. These funds revert to the Flexibility Subprogram upon request from the agency. Specifics regarding thresholds will be included in the Strategic Plan.

Eligible Projects

The following transportation projects (but not limited to) are eligible for Active Transportation funding:

- ✓ Active Transportation Plans and Studies (local agency staff or consultant services).
- ✓ Regional Active Transportation Plan (MCTC/MCTA staff or consultant services).
- ✓ Bikeway, trails, and path projects.
- ✓ Pedestrian facilities (sidewalks, other).
- ✓ Projects that enhance Safe Routes to Schools.
- ✓ Safety projects.
- ✓ Protected facilities.
- ✓ Traffic control devices.
- ✓ Initial installation of the lighting for bike/ped facilities.
- ✓ Signage.
- ✓ Shoulder improvements.
- ✓ Curb ramps, accessible pedestrian signals (APS), other related improvements.
- ✓ Public engagement, education programs, marketing.
- ✓ New technology applications.
- ✓ Development and application of performance measures or criteria by the MCTA and MCTC.

- ✓ Eligible investments would include all recognized project phases including:
 - Planning and environmental analysis.
 - Conceptual and preliminary engineering.
 - Design engineering (PS&E).
 - Right-of-way acquisition, support and relocation.
 - Utilities relocation.
 - Inspection of construction engineering.
 - Direct staff time (salary and benefits).
 - Consultants selected consistent with a local agency selection process.
 - Construction contractors selected consistent with a local agency selection process.
 - Labor, materials, and equipment for day labor.
- ✓ Other Requirements:
 - Compliance check.
 - Fund accumulation and non-compliance requirements.
 - Claims process/disbursements.
 - Monitoring/reporting requirements.
 - Audit process.

Indirect costs (as defined by 2 CFR Part 200) and retroactive costs will not be considered eligible expenses.

Full eligibility will be included in the Authority's Strategic Plan described in the Investment Plan.

Allocations for Active Transportation Facilities

Measure T funds may be used for new construction, improvements to and maintenance of Safe Routes to School and Pedestrian and Bike Program facilities, and for updates of the Active Transportation Plans.

Class I, II, III, and IV Definitions

Refer to Caltrans Highway Design Manual (HDM) Chapter 1000 for definitions and design and construction guidance of the 2015 California State Parks Accessibility Guidelines, or similar guidance documents. The link is provided below.

https://www.parks.ca.gov/pages/1008/files/2015_california_state_parks_accessibility_guidelines.pdf

Requirements Applying to All Facilities Utilizing Any Measure T Program Funds

All streets and roads constructed, improved, or maintained in whole or in part with Measure T funds may consider Complete Street features. A Complete Street is defined as a transportation facility that is planned, designed, constructed, operated, and maintained to provide comfortable and convenient mobility, and improve accessibility and connectivity to essential community destinations for all users, regardless of whether they are travelling as pedestrians, bicyclists, public transportation riders, or drivers.

Maintained Pedestrian or Bicycle Facilities

Any maintenance to a street, road, or highway funded in whole or in part by Measure T funds are encouraged to maintain the existing level of pedestrian and bicycle access, facilities and safety features, along and across the street, road, or highway.

Flexibility if Needs Are Met

Every five (5) years the Authority will review the status of all jurisdictions' Active Transportation Plans.

If the Authority determines that a jurisdiction's Active Transportation Plan is less than five-years old when last adopted, and the Active Transportation Plan has been completed or updated at each of these five-year marks, the earmark or allocation requirements are suspended until the next evaluation and funding will revert to the Flexible Subprogram of the local jurisdiction.

- ✓ "On-Going Maintenance" is defined as including:
 - Tree and shrub trimming, tree stake retying, replacement, or removal.
 - Fertilizing and weed control chemicals and their application.
 - Weed removal.
 - Potholes, breaks in the asphalt surface, or tree root uplifting.
 - Irrigation system repair and upkeep (repair breaks, missing heads).
 - Repair or reset timers.
 - Replace or repair stolen or damaged wires.
 - Litter removal.
 - Replace burned out light bulbs.
 - Restriping any median lines.
 - Paying for the cost of water or electricity for Active Transportation features and amenities only such as trail lighting, drinking fountains, etc.
 - Maintenance at adjacent trail heads or parks.
- ✓ "On-Going Maintenance" does not include:
 - Resurfacing of asphalt, except for spot repairs such as a broken water line.
 - Installing or replacing signing.
 - Paying for the cost of water or electricity for street sweeping or street lighting.

Performance Indicators

Performance indicators include but are not limited to the following:

- Miles of missing "path of travel" completed.
- Miles of safe routes to schools completed.
- Miles of new bike lanes, paths, or trails.
- Miles of trail or bike lanes maintained.
- Miles of new bike lanes included on new road projects.
- Timely use of funds.
- Cost per mile.
- Matching funds obtained.
- Number of users on the facilities.

Program 5 – Clean Air and New Technologies Program

Overview/Purpose

The Clean Air and New Technologies Program is intended to provide funding to transportation improvement projects and/or programs able to foster or utilize new and emerging transportation technologies. These projects include, but are not limited to, technological advances in public systems, safety features, fuel efficiencies and alternatives, intelligent transportation system (ITS) applications, information dissemination, and projects that facilitate non-single-occupancy-vehicle travel and encourage sustainable land use development. In addition, in order to preserve the transportation investments made by the voters in Madera County, and maintain a livable and enjoyable living environment, the Measure also provides funding to encourage local governments/Caltrans to remove litters from the roadways.

Due to the evolving State and federal funding climate related to new transportation technologies, projects in this program are expected to be supported by Measure T funding as matching funds to leverage access to these new and emerging State and federal program funding opportunities.

Providing a separate program for clean transportation and new technologies in no way implies these are the only funds within Measure T dedicated to these purposes. In fact, each of the previous five programs all contain elements or provisions to improve air quality and reduce GHG emissions. This program will provide funds over and above those contained within those five programs.

Eligible Agencies

The agencies listed below are eligible for Program funding.

- ✓ City of Chowchilla.
- ✓ City of Madera.
- ✓ County of Madera.

MCTA may periodically prepare or update Regional Zero-Emission Vehicle Readiness and Implementation Plan or other related regional documents. Such costs would come off the top of the annual program funding estimate.

Funding Allocation

Funding will be allocated annually to each of the eligible agencies based on population as derived by the State Department of Finance.

Disbursement Process/Requirements

No more than 3% of the Measure T funds are allocated to the Clean Air and New Technologies Program projects and/or programs. These projects may also be supplemented by a local agency's Flexibility Subprogram funding allocation since Flexible Subprogram funding can be applied to any transportation-related program or improvement project. The allocation is based on the annual population of Madera County's three jurisdictions as derived by the State Department of Finance.

Eligible Projects

Eligible projects for this program include but are not limited to, the following:

- ✓ Incentives to form and join carpools.
- ✓ Incentives to form and join vanpools.
- ✓ Incentives to form and join agricultural worker vanpools/CalVans.
- ✓ Incentives to encourage telecommuting.
- ✓ TOD incentive grants.
- ✓ Charging stations, hydrogen fueling, CNG, etc.
- ✓ Litter abatement matching funds.
- ✓ Public engagement, education programs, marketing.
- ✓ Clean vehicle power support facilities.
- ✓ Microgrid/solar EV battery charging.
- ✓ Micro mobility hubs (are designed to provide and identify a range of connected travel choices).
- ✓ Innovations in micro mobility (bicycles, e-bikes, electric scooters, electric skateboards, shared bicycles, and electric pedal assisted bicycles).
- ✓ Increased opportunities for telecommuting.
- ✓ Future technology improvements.
- ✓ Broadband infrastructure for telecommuting and education facility purposes.
- ✓ Marketing, public engagement, & education activities.
- ✓ Regional Zero-Emission Vehicle Readiness and Implementation Plan.
- ✓ Local agency Zero-Emission Vehicle Readiness and Implementation Plans.
- ✓ Other new technology applications.
- ✓ Other clean transportation applications.
- ✓ Eligible investments would include all recognized project phases including:
 - Planning and environmental analysis.
 - Conceptual and preliminary engineering.
 - Design engineering (PS&E).
 - Right-of-way acquisition, support and relocation.
 - Utilities relocation.
 - Construction of any transportation-related project including alleys and unpaved road.
 - Inspection of construction engineering.
 - Direct staff time (salary and benefits).
 - Consultants selected consistent with a local agency selection process.
 - Construction contractors selected consistent with a local agency selection process.
 - Labor, materials, and equipment for day labor.

Indirect costs (as defined by 2 CFR Part 200) and retroactive costs will not be considered eligible expenses.

Full eligibility will be included in the Authority's Strategic Plan described in the Investment Plan.

Performance Indicators

Performance indicators vary widely for the eligible projects listed in this Program. The primary indicators may include, but are not limited to the following:

- ✓ Reduced vehicle miles traveled (VMT).
- ✓ VMT per capita.
- ✓ Reduced GHG emissions.
- ✓ Average vehicle occupancy.
- ✓ Transit accessibility.
- ✓ Bicycle and pedestrian mode share.
- ✓ Carbon intensity.
- ✓ Mixed land uses.
- ✓ Land consumption.

Citizens' Oversight Committee

Committee Purpose

To inform the public and to ensure that the Transportation Measure (Measure) funding program revenues and expenditures are spent as promised to the public.

Administrative Issues

✓ **Committee Formation**

- The Committee will be formed within six (6) months upon collection of Measure T Renewal funding or when bonding is approved by the Authority.
- The Citizens' Oversight Committee (Committee) shall not be amended out of the Investment Plan.
- Meetings will commence when Measure revenues are recommended for expenditure, including Investment Plan updates.

✓ **Selection and Duties of Committee Chair and Vice Chair**

- The Committee shall select a Chair and Vice Chair from the members, each of whom shall serve a one (1) year term.
- The duties of the Chair will be to call meetings, set agendas, and preside over meetings.
- The duties of the Vice Chair will be to perform the same duties described above in the absence of the Chair.

✓ **Committee Meetings**

- The Committee will hold at least one (1) formal meeting annually, with additional meetings scheduled as needed by the Committee.
- All Committee meetings must be held in compliance with the Ralph M. Brown Act.
- All meetings will be conducted per "Robert's Rules of Order."

✓ **Subcommittee Requirements**

- Subcommittees: The Committee may elect to form subcommittees to perform specific parts of its purpose.
- All subcommittees shall have an odd number of members.

Committee Membership and Quorum

✓ **Membership**

The Committee shall be composed of seven (7) members including:

- Two (2) at-large public members.
- Five (5) representatives; one (1) from each of the Madera County Supervisorial Districts.

✓ **Quorum**

- A quorum will be no less than four (4) members of the Committee.
- An action item of the Committee may be approved by a simple majority of those present, if the number exceeds the quorum requirement of four (4).

Membership Selection

- ✓ **Selection Committee**
 - Committee members will be selected by the Madera County Transportation Authority.
- ✓ **Recruitment Process**
 - Each year as terms of various members expire or as vacancies occur, annual postings of membership openings will be noticed sixty (60) days in advance of the application process pursuant to Public Utilities Code Section 99238.
 - Potential members must submit an application to the MCTA.
 - The MCTA staff will screen all applications and recommend candidates for membership on the Committee to the MCTA Board of Directors for approval.
- ✓ **Term of Membership**
 - Terms of membership will be for four (4) years. No member in good standing may serve more than twelve (12) years.
 - To maintain Committee member consistency, during the first four (4) years of the Committee, terms will be staggered with three (3) of the members to serve a four-year term, four (4) of the members to serve a two (2) year term.
 - Members who are not in attendance for two (2) consecutive meetings or are not present at 50% of the Committee meetings for over a twelve (12)-month period may be replaced with a new member selected by the MCTA Board of Directors.
 - If a member position on the Committee becomes vacant, the MCTA Board of Directors will fill the vacant position within ninety (90) days of the date when the position became vacant or as soon as possible.
 - Proxy voting will not be permitted.
 - Members will receive compensation in the amount of \$50 for each meeting attended.
- ✓ **Eligibility**
 - U.S. citizen 18 years of age or older who resides in Madera County.
 - Not an elected official at any level of government.
 - Not a public employee at any State, County, or local City agency.
 - Must submit an annual statement of financial disclosure consistent with Fair Political Practices Commission (FPPC) rules and regulations and filed with the Authority.

Staffing

- ✓ Authority will staff the Committee and provide technical and administrative assistance to support and publicize the Committee's activities, with the staff assignment subject to approval of the Committee.
- ✓ Authority services and any necessary outside services will be paid using the Madera County Transportation Authority's Measure Administration Program revenues.
- ✓ Expert staff will be requested to provide information and make presentations to the Committee, as needed.
- ✓ The cities and County of Madera shall each provide to the Citizens' Oversight Committee, on an annual basis, and in a timely fashion, at least two (2) weeks prior to the meeting of the Citizens' Oversight Committee, a specific report on the local jurisdiction's budget for Measure funds and financial report on those funds.
- ✓ The precise format of the report may be based on report formats for other jurisdictional monitoring but must be separate from the comprehensive agency budgets and general and enterprise fund financial reports of the cities and the County of Madera.

Responsibilities

The Committee may receive, review, and recommend any action or revision to plans, programs, audits, or projects that is within the scope of its purpose stated above. Specific responsibilities include:

- ✓ Receive, review, inspect, and recommend action on independent financial and performance audits related to the Measure.
- ✓ Receive, review, and recommend action on other periodic reports, studies, and plans from responsible agencies. Such reports, studies, and plans must be directly related to Measure programs, revenues, or expenditures.
- ✓ Review and comment upon Measure expenditures to ensure that they are consistent with the Investment Plan.
- ✓ Annually review how sales tax receipts are spent and publicize the results.
- ✓ Present Committee recommendations, findings, and requests to the public and the Authority in a formal annual report.

EXHIBIT C

Ordinance

01201.0005/808703.1

**BEFORE THE
MADERA COUNTY
2006 TRANSPORTATION AUTHORITY
ORDINANCE NO. 2022-01**

WHEREAS, since 1990, transportation improvements in Madera County have been supported by a ½ cent sales tax, currently known as Measure T, which has funded many important transportation improvements that have been completed or are in progress in communities throughout Madera County; and

WHEREAS, Measure T has funded highway and interchange upgrades, road repair and improvements, public transit, bike and pedestrian safety and other programs to relieve traffic congestion, improve air quality, and provide safe and affordable transportation options for all residents throughout Madera County; and

WHEREAS, Measure T provides approximately over \$12 million per year in locally controlled funding for local transportation projects and has allowed the County to leverage over \$226 million in state and federal matching funds to make priority repairs and transportation improvements to meet Madera County's transportation needs; and

WHEREAS, Measure T provides local control by directly funding transportation improvements in the City of Chowchilla, City of Madera, and communities throughout unincorporated Madera County; and

WHEREAS, keeping roads and highways in good condition and enhancing mobility helps protect public safety by allowing police, firefighters, and ambulances to respond quickly to emergencies and ensuring first responders are not stuck in traffic or slowed-down by failing infrastructure; and

WHEREAS, public transit is a lifeline for senior citizens and people with disabilities that depend on affordable buses, paratransit and dial-a-ride to get to doctor's appointments, the grocery store, and to remain independent when they cannot drive; and

WHEREAS, Madera County's transportation system is the backbone of our regional economy, allowing local farmers and businesses to move produce and products to market, creating good jobs for local residents; and

WHEREAS, since it was approved by voters, Measure T has required a clear system of accountability, including a Citizen's Oversight Committee and annual independent audits to ensure that the money from the measure has been spent appropriately and in accordance with the voter-approved expenditure plan; and

WHEREAS, in the past 30 years, Madera County's population has nearly doubled, and experts forecast that it will continue to grow at a fast rate requiring continued investment in local highways, interchanges, and major streets to keep up with this growth, enhance mobility, and protect local quality of life; and

WHEREAS, Measure T was approved with a 20-year expiration date and this funding will soon expire unless renewed by voters; and

WHEREAS, if Measure T funding expires, City of Chowchilla, City of Madera, and Madera County will lose a major source of funding for fixing potholes, paving and maintaining streets and roads, reducing enhancing mobility, improving highway interchanges, retrofitting older bridges and overpasses, improving highway safety, providing students with safe routes to schools, keeping public transit affordable and improving bicycle and pedestrian safety; and

WHEREAS, if Measure T funding expires, Madera County will not have the local matching funds needed to compete for an estimated \$600 million in State and Federal transportation funding and those funds would go to other communities like Los Angeles and San Francisco; and

WHEREAS, the Madera County 2006 Transportation Authority (the "Authority") desires to submit to the voters at the General Municipal Election on November 8, 2022, a ballot measure to consider adopting a proposed ordinance to renew Measure T ("Measure T Renewal"); and

WHEREAS, renewing Measure T without increasing the tax rate will continue locally controlled funding for transportation repairs and improvements; and

WHEREAS, renewing Measure T until ended by a vote of the electorate will ensure such funding for as long as voters desire to complete all the projects contemplated by the measure renewal; and

WHEREAS, essential purchases like food and groceries are exempt from the Measure T ½ cent sales tax, helping to ensure the cost is not a burden to those on fixed or limited incomes; and

WHEREAS, the Measure T ½ cent sales tax is paid by both residents and visitors shopping in Madera County, including visitors traveling to and from Yosemite, to ensure all users of local roads and transportation infrastructure contribute; and

WHEREAS, a measure to renew Measure T funding will continue to require strict fiscal accountability protections including a Citizen's Oversight Committee, annual independent audits and public disclosure of all spending; and

WHEREAS, if Measure T is renewed, by law, all of the money must stay in Madera County for local transportation improvements only and cannot be taken away by the State or used for other purposes; and

WHEREAS, California Public Utilities Code Section 180201 provides that after approval of a proposed retail transactions and use ordinance by the Authority the

proposed tax ordinances must be approved by a two-thirds majority vote of the electors at a special election; and

WHEREAS, the Authority wishes to have the voters consider the Measure T Renewal at a General Municipal Election to be held on November 8, 2022, with the renewal tax to commence following expiration of the current tax; and

NOW THEREFORE, THE MADERA COUNTY 2006 TRANSPORTATION AUTHORITY ORDAINS AS FOLLOWS:

NOW THEREFORE, THE PEOPLE OF THE COUNTY OF MADERA ORDAIN AS FOLLOWS:

SECTION 1

Purpose and Intent. The purpose of this Ordinance is to implement State law allowing the voters to decide upon a one-half of one percent (1/2%) county wide transaction and use tax to be used to finance street, road, highway, public transit, and transportation improvements within the incorporated and unincorporated areas of Madera County, California, as further described in this Ordinance.

SECTION 2

Countywide Transaction, and Use Tax. There is hereby imposed in the incorporated and unincorporated territory of the County of Madera (“the territory of the Authority”), a transaction and use tax at the rate of one-half of one percent (1/2%) in addition to any existing or future authorized state or local sales tax or transaction and use tax, in accordance with Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code, and as authorized by Section 180206 of the Public Utilities Code.

SECTION 3

Use of Tax Proceeds. Proceeds of the tax imposed by this Ordinance shall be deposited into the appropriate fund of the Madera County 2006 Transportation Authority and shall be used for the following purposes and projects, as described more particularly in the 2022 Measure T Renewal Investment Plan, dated July 20, 2022, and prepared by the Madera County Transportation Authority (“Investment Plan”), which is incorporated herein by this reference as though fully set forth herein, and as that Investment Plan may be amended from time to time pursuant to applicable law:

- A. The revenue from the transaction and use tax shall be allocated by the Authority as follows: for street, road, highway, public transit, clean air, new technology, and other transportation-related improvements within the incorporated and unincorporated areas of Madera County; for all purposes related to such improvements, including, but not limited to, administration

of the transaction and use tax, legal actions relating to the transaction and use tax, planning, design, engineering, environmental review, and construction. The revenue from the transaction and use tax shall also be used to reimburse the County of Madera for the County's costs in conducting an election called by the Board of Supervisors regarding the imposition of the transaction and use tax.

- B. The Authority shall annually divide the transactions and use tax revenues among the incorporated cities located within the County of Madera, and with the County of Madera (except for those funds allocated to the Major Routes, Access and Safety Improvements Program). The division of funds shall be on the basis of the percentage of total County population residing within the jurisdiction of the respective incorporated cities and within the unincorporated areas of the County of Madera. For purposes of calculating these percentages, the Authority shall rely on the then-current population figures furnished by the State Department of Finance.

The governing bodies of the respective cities, and of the County of Madera, shall designate the particular application of funds allocated to their jurisdiction, for street, road, highway, public transit and other transportation related improvement programs, purposes, and projects, subject to the approval of the Authority, as reflected in the 2022 Measure T Renewal Investment Plan Implementing Guidelines.

- C. Funds allocated for street, road, highway, public transit, and other transportation-related improvement programs, purposes, and projects shall be allocated according to the following formula:

- (1) 62.5 percent - Community & Neighborhood Streets & Road Program to be allocated as follows:

35% of the Measure funding will be allocated to the Local and Neighborhood Street Maintenance & Pothole Repairs Subprogram for "Fix-It-First" activities and programs. Projects include pothole repair, asphalt overlay, and other road maintenance activities.

15% of the Measure funding will be allocated to the Community & Neighborhood Streets and Roads Subprogram for needs that each of the cities and Madera County can allocate to other street and road improvements (including Maintenance Districts).

12.5% of the Measure funding will be allocated to the Local Flexibility Subprogram for transportation needs including local streets and roads, rehabilitating aged local systems and other local street and road improvements, safe routes to school improvements, pedestrian, bicycle, and trail improvements, enhanced public transit

improvements, and/or other transportation improvements so that they can address their own individual transportation needs over the life of the Measure.

- (2) 25 percent - Major Routes, Access and Safety Improvements Program to be allocated for improvements on major corridors, interchange modifications, and other improvement projects along State Highways, and major arterials throughout the County. These projects will enhance connections within the urban area and access between the cities and rural communities.
- (3) 4 percent - Public Transit Program to be allocated to transit systems and services throughout the County, including Chowchilla Transit, Madera Transit, and Madera County Connection.
- (4) 4 percent - Safe Routes to School and Pedestrian and Bike Safety Program will be allocated for improvements, including bicycle, pedestrian, and trail projects, safe routes to school, access for people with disabilities, and other safety-related improvements.
- (5) 3 percent - Clean Air and New Technology Program for clean transportation projects and programs and other projects that will improve air quality, address climate change, and improve health.
- (6) 1.5 percent - Administration and Planning Program for administration and planning activities of the Authority and Madera County Transportation Commission.

D. Transactions and use tax revenues, once divided as set forth in Section 3, Paragraph C, herein, shall thereafter be segregated into separate funds for each of the respective entities: the incorporated cities located within the County of Madera, and the unincorporated areas of the County of Madera.

SECTION 4

Collection of Tax. The Authority shall contract with the California Department of Tax and Fee Administration to perform all functions incidental to the administration and operation of this Ordinance, including collection of the additional transaction and use tax imposed by this Ordinance.

SECTION 5

Effective and Operative Dates. This Ordinance shall become operative, if approved by a two-thirds majority vote of the electors, on the first day of the first calendar quarter commencing more than 110 days after the adoption of this Ordinance. The provisions of this Ordinance pertaining to the collection of transactions and use taxes will become effective, and such taxes will begin being collected on April 1, 2027.

SECTION 6

Term. The provisions of this Ordinance pertaining to collection of the transactions and use tax shall be in force and in effect until terminated by a vote of the electors. This Ordinance may be terminated earlier by a majority vote of the Authority members, if the members determine, following a public hearing, that the purposes of the tax have been fulfilled and that an earlier termination is in the public interest and there are no obligations outstanding.

Notwithstanding that this Ordinance, including the transaction and use tax, may be terminated by voters or the Authority as provided herein, the transaction and use tax or any portion of it, if permitted, shall continue in effect until all contractual obligations related to it are fulfilled. Nothing contained in this Ordinance, including termination of the transactions and use tax, shall permit or be deemed or construed to allow an impairment of any contract for the issuance of bonds or other indebtedness (or alter or affect any provision, condition or covenant in any contract for the issuance of bonds or other indebtedness, or affect or impair any rights, powers or remedies thereunder), it being the intent hereof that the provisions of any such contract shall each continue in full force and effect, with the transaction and use tax continuing in effect until such contractual obligations are paid and such covenants are no longer in effect.

SECTION 7

Appropriation Limit. The maximum annual appropriation limit for the Authority is \$30,000,000 (Thirty Million Dollars), subject to adjustment or increase as provided by law.

SECTION 8

Implementation. Upon approval of this Ordinance by two-thirds majority of the voters, the Authority may adopt policies and take such other action for the implementation of the one-half of one percent (1/2%) transaction and use tax authorized by this Ordinance.

SECTION 9

Bonds. The Authority is hereby authorized to issue bonds to finance expenditures to carry out the purposes of this transactions and use tax, in accordance with the terms and conditions specified in California Public Utilities Code Section 180250 *et. seq.*, successor legislation and/or as permitted by applicable law. Bonds are authorized in the maximum amount permitted by law to fund the projects authorized in the Investment Plan. Bonds, bond anticipation notes or other indebtedness may be issued prior to collection of the tax to fund projects secured or paid in whole or in part, as the case may be, by future bonds, tax revenues, other available revenues and/or capitalized interest to the extent permitted by applicable law.

SECTION 10

Interpretation. This Ordinance is to be interpreted to accomplish, among other purposes, the following:

- 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 7285.9 of Part 1.7 of Division 2 which authorizes the Authority to adopt this tax ordinance which shall be operative if a two-thirds 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 that 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 tax and provides a measure therefore that can be administered and collected by the California Department of Tax and Fee Administration 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 California Department of Tax and Fee Administration 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 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.

SECTION 11

Contract with State. Prior to the operative date of this Ordinance, the Authority shall contract with the California Department of Tax and Fee Administration 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 California Department of Tax and Fee Administration 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 the contract.

SECTION 12

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 Authority (i.e. Madera County, including the incorporated cities and the unincorporated area of the County) at the rate of one-half of one percent (1/2%) of the gross receipts of any retailer from the sale of all tangible personal property sold at retail on and after the operative date of this Ordinance.

SECTION 13

Place of Sale. For the purposes of this Ordinance, all retail sales are consummated at the place of business of the retailer (seller) 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. 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 California Department of Tax and Fee Administration.

SECTION 14

Use Tax Rate. An excise tax is hereby imposed on the storage, use or other consumption, in the incorporated and unincorporated territory of the County (i.e. the territory of the Authority), of tangible personal property purchased from any retailer on and after the operative date of this Ordinance, for storage, use, or other consumption at the rate of one-half of one percent (1/2%) of the sales price of the property. The sales price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made.

SECTION 15

Adoption of Provisions of State Law. 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, except as otherwise provided in this Ordinance and except as such provisions are inconsistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code.

SECTION 16

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. There shall be no such substitution made, however, when:
- (1) The word "State" is used as part of the title of the State Controller, State Treasurer, 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 California Department of Tax and Fee Administration, 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 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 provisions of that code;
 - (4) Appearing in Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797, or 6828 of the Revenue and Taxation Code.
- B. The words "Authority's territory" or "Madera County" shall be substituted for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 of the Revenue and Taxation Code and in the definition of that phrase in Section 6203.
- C. "A retailer engaged in business in the Authority" shall also include any retailer that, in the preceding calendar year or the current calendar year, has total combined sales of tangible personal property in this state or for delivery in the State by the retailer and all persons related to the retailer that exceeds five hundred thousand dollars (\$500,000). For purposes of this section, a person is related to another person if both persons are related to each other pursuant to Section 267(b) of Title 26 of the United States Code and the regulations thereunder.

SECTION 17

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 seller's permit shall not be required by this Ordinance.

SECTION 18

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 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 of Madera in which sale is made 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 incorporated and unincorporated territory of the Authority which is shipped to a point outside the territory of the Authority, pursuant to the contract of sales, 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 purposes of this paragraph, delivery to a point outside the territory of the Authority 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 Chapter (commencing with Section 9840) of Division 3.5 of the Vehicle Code by registration to an address outside the territory of the Authority and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, the buyer's principal place of residence; and

- (b) With respect to commercial vehicles subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, by registration to a place of business outside the territory of the Authority and a 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 subsections (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 of lease upon notice, whether or not such right is exercised.
- C. There is exempted from the use tax imposed by this Ordinance the storage, use, or other consumption in the territory of the Authority 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 Section 6366 and 6366.1 of the Revenue and Taxation Code.
 - (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 subsections (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 subsection (7) of this section, a retailer engaged in business in the territory of the Authority 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 territory of the Authority or participates within the territory of the Authority 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 canvasser, solicitor, subsidiary, or person in the territory of the Authority under the authority of the retailer.
 - (7) “Retailer engaged in business in the Authority” shall also include any retailer 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 Chapter 2 (commencing with Section 9840) of Division 3.5 of the Vehicle Code. That retailer shall be required to collect use tax from any purchaser who registers or licensed the vehicle, aircraft, or vessel at an address in the territory of the Authority.
- D. Any person subject to use tax under this Ordinance may credit against that tax any transactions tax or reimbursement for a transactions tax paid to a district imposing, or retailer liable for, a transactions tax pursuant to Part 1.6 of Division 2 of the Revenue and Taxation Code with respect to the sale to the person of the property the storage, use, or other consumption of which is subject to the use tax.

SECTION 19

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 of Division 2 of the Revenue and Taxation Code, all amendments to Part 1.6 of Division 2 of the Revenue and Taxation Code, and

all amendments to Division 19 of the Public Utilities 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 20

Enjoining Collection Prohibited. No injunction, 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 21

Accountability Measures. Pursuant to and in compliance with the provisions of Government Code Section 50075.1, the Authority hereby establishes the following accountability measures pertaining to the levy of the Special Tax described in Section 2 of this Ordinance:

- (i) Such Special Tax shall be levied for the specific purposes set forth in Sections 1 and 3 hereof.
- (ii) The proceeds of the levy of such Special Tax shall be applied only to the specific purposes set forth in Section 1 and 3 hereof.
- (iii) The Authority shall establish an account or accounts into which the proceeds of such Special Tax shall be deposited.
- (iv) The Executive Director and/or Chief Fiscal Officer shall annually file a report with the Board as required pursuant to Government Code Section 50075.3.

SECTION 22

Severability. If any section, part, clause, or phrase of this Ordinance is for any reason found invalid or unconstitutional, the remaining portions shall not be affected but shall remain in full force and effect.

* * * * *

The foregoing Ordinance was Passed and Adopted by the Madera County 2006 Transportation Authority this 20th day of July, 2022, and August 5, 2022, by the following vote:

| | 7/20/22 | 8/5/22 |
|------------------------|------------|--------|
| Commissioner Wheeler | <u>Yes</u> | _____ |
| Commissioner Palmer | <u>Yes</u> | _____ |
| Commissioner Gallegos | <u>Yes</u> | _____ |
| Commissioner Rodriguez | <u>Yes</u> | _____ |
| Commissioner Frazier | <u>Yes</u> | _____ |
| Commissioner Poythress | <u>Yes</u> | _____ |

 Chair, Madera County 2006
 Transportation Authority

Attest:

By: _____
 Secretary of the Authority

Approved as to Legal Form:

By: _____
 Authority Counsel

The foregoing Ordinance was adopted by the people of County of Madera by a vote on _____ as provided in the Certification of the Election by the [County Clerk].