



# TRANSPORTATION, WATER & INFRASTRUCTURE COMMITTEE

May 12, 2016

**\*NOTE TIME\* 2:00 P.M.**

651 Pine Street, Room 101, Martinez

Supervisor Mary N. Piepho, Chair  
Supervisor Candace Andersen, Vice Chair

<b>Agenda Items:</b>	Items may be taken out of order based on the business of the day and preference of the Committee
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1. Introductions
2. **Public comment on any item under the jurisdiction of the Committee and not on this agenda** (speakers may be limited to three minutes).
3. **Administrative Items, if applicable.** (John Cunningham, Department of Conservation and Development)
4. **REVIEW record of meeting for April 14, 2016 Transportation, Water and Infrastructure Committee Meeting.** (John Cunningham, Department of Conservation and Development)
5. **CONSIDER a accepting a report on the status of implementing a regional taxicab permitting process in Contra Costa County, AUTHORIZE staff to continue working with jurisdictions within the County to evaluate the feasibility of a regional permitting process and forward a policy resolution declaring formal interest in participating in a regional taxicab effort to the Board of Supervisors for consideration.**(Timothy Ewell, County Administrator's Office)
6. **CONSIDER report on Local, State, and Federal Transportation Related Legislative Issues and take ACTION as appropriate.** (John Cunningham, Department of Conservation and Development)
7. **COMMUNICATION/News Clipping Items.** (John Cunningham, Department of Conservation and Development)
8. **The next meeting is currently scheduled for Thursday, June 9, 2016 at 1:00 P.M.**
9. Adjourn

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*The Transportation, Water & Infrastructure Committee (TWIC) will provide reasonable accommodations for persons with disabilities planning to attend TWIC meetings. Contact the staff person listed below at least 72 hours before the meeting.*

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*Any disclosable public records related to an open session item on a regular meeting agenda and distributed by the County to a majority of members of the TWIC less than 96 hours prior to that meeting are available for public inspection at the County Department of Conservation and Development, 30 Muir Road, Martinez during normal business hours.*

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*Public comment may be submitted via electronic mail on agenda items at least one full work day prior to the published meeting time.*

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For Additional Information Contact:

John Cunningham, Committee Staff  
Phone (925) 674-7833, Fax (925) 674-7250  
john.cunningham@dcd.cccounty.us

Glossary of Acronyms, Abbreviations, and other Terms (in alphabetical order): Contra Costa County has a policy of making limited use of acronyms, abbreviations, and industry-specific language in meetings of its Board of Supervisors and Committees. Following is a list of commonly used abbreviations that may appear in presentations and written materials at meetings of the Transportation, Water and Infrastructure Committee:

AB Assembly Bill	HOT High-Occupancy/Toll
ABAG Association of Bay Area Governments	HOV High-Occupancy-Vehicle
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ADA Americans with Disabilities Act of 1990	HUD United States Department of Housing and Urban Development
ALUC Airport Land Use Commission	IPM Integrated Pest Management
AOB Area of Benefit	ISO Industrial Safety Ordinance
BAAQMD Bay Area Air Quality Management District	JPA/JEPA Joint (Exercise of) Powers Authority or Agreement
BART Bay Area Rapid Transit District	Lamorinda Lafayette-Moraga-Orinda Area
BATA Bay Area Toll Authority	LAFCo Local Agency Formation Commission
BCDC Bay Conservation & Development Commission	LCC League of California Cities
BDCP Bay-Delta Conservation Plan	LTMS Long-Term Management Strategy
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DWR California Department of Water Resources	STIP State Transportation Improvement Program
EBMUD East Bay Municipal Utility District	SWAT Southwest Area Transportation Committee
EIR Environmental Impact Report (a state requirement)	TRANSPAC Transportation Partnership & Cooperation (Central)
EIS Environmental Impact Statement (a federal requirement)	TRANSPLAN Transportation Planning Committee (East County)
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HBRR Highway Bridge Replacement and Rehabilitation	



# Contra Costa County Board of Supervisors

## Subcommittee Report

### TRANSPORTATION, WATER & INFRASTRUCTURE COMMITTEE

3.

**Meeting Date:** 05/12/2016  
**Subject:** Administrative Items  
**Submitted For:** TRANSPORTATION, WATER & INFRASTRUCTURE  
COMMITTEE,  
**Department:** Conservation & Development  
**Referral No.:** N/A  
**Referral Name:** N/A  
**Presenter:** John Cunningham, DCD      **Contact:** John Cunningham  
(925)674-7833

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#### **Referral History:**

This is an Administrative Item of the Committee.

#### **Referral Update:**

Staff will review any items related to the conduct of Committee business.

#### **Recommendation(s)/Next Step(s):**

Take ACTION as appropriate.

#### **Fiscal Impact (if any):**

N/A

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#### **Attachments**

*No file(s) attached.*

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# Contra Costa County Board of Supervisors

## Subcommittee Report

### TRANSPORTATION, WATER & INFRASTRUCTURE COMMITTEE

4.

**Meeting Date:** 05/12/2016

**Subject:** REVIEW record of meeting for April 14, 2016 Transportation, Water & Infrastructure Committee Meeting.

**Submitted For:** TRANSPORTATION, WATER & INFRASTRUCTURE COMMITTEE,

**Department:** Conservation & Development

**Referral No.:** N/A

**Referral Name:** N/A

**Presenter:** John Cunningham, DCD

**Contact:** John Cunningham  
(925)674-7884

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### **Referral History:**

County Ordinance (Better Government Ordinance 95-6, Article 25-205, [d]) requires that each County Body keep a record of its meetings. Though the record need not be verbatim, it must accurately reflect the agenda and the decisions made in the meeting.

### **Referral Update:**

Any handouts or printed copies of testimony distributed at the meeting will be attached to this meeting record.

Links to the agenda and minutes will be available at the TWI Committee web page, as follows:

<http://www.cccounty.us/4327/Transportation-Water-Infrastructure>

### **Recommendation(s)/Next Step(s):**

Staff recommends approval of the attached Record of Action for the April 14, 2016 Committee Meeting with any necessary corrections.

### **Fiscal Impact (if any):**

N/A

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### **Attachments**

4-14-16 TWIC Sign-In Sheet

4-14-16 TWIC Meeting Minutes

HANDOUT-CA Road Pilot Prgm/Gas Tax Decline



**Transportation, Water and Infrastructure Committee Meeting**  
**April 14, 2016**  
**SIGN-IN SHEET**

Name	Representing	Phone
John Cunningham	TWIC/Cons.+Dev	674-7833
Jen Quallide	BOS 2	957-8860
Garric Ricci	CCC PW	313-2235
TERAN FRAY	" "	313-2276
STEPHEN KOWALEWSKI	CCC PW	313-2225
John Burgh	CCWD	688-8024
NANCY C WEIN	CCC PWD	313 2275
Chessa (ofra) Lewis	ECNAAP	(925) 813-8022
Michael Kent	CCHS	925 313 6587

# DRAFT



## TRANSPORTATION, WATER & INFRASTRUCTURE COMMITTEE

April 14, 2016

1:00 P.M.

651 Pine Street, Room 101, Martinez

Supervisor Mary N. Piepho, Chair  
Supervisor Candace Andersen, Vice Chair

Agenda Items:

Items may be taken out of order based on the business of the day and preference of the Committee

Present: Mary N. Piepho, Chair  
Candace Andersen, Vice Chair

Attendees: Odessa Lefrancois, ECNAACP

Michael Kent, CC County Health Services  
Nancy Wein, CC County Public Works  
Carrie Ricci, CC County Public Works  
Jerry Fahy, CC County Public Works  
Stephen Kowalewski, CC County Public Works  
John Burgh, CC County Water District  
Jen Quallick, BOS 2  
John Cunningham, CC County DCD

1. **Introductions**

*Please see attached sign-in sheet, hand-outs and "Attendees" section, above.*

2. **Public comment on any item under the jurisdiction of the Committee and not on this agenda** (speakers may be limited to three minutes).

3. **Administrative Items, if applicable.** (John Cunningham, Department of Conservation and Development)

4. **REVIEW** record of meeting for March 10, 2016, Transportation, Water and infrastructure Committee Meeting. This record was prepared pursuant to the Better Government Ordinance 95-6, Article 25-205 (d) of the Contra Costa County Ordinance Code. Any handouts or printed copies of testimony distributed at the meeting will be attached to this meeting record. (John Cunningham, Department of Conservation and Development)

*The Committee unanimously approved the March 10, 2016 Meeting Record.*

5. **CONSIDER** selected recommendations in the Pipeline Safety Trust report directed at the County or County Departments, and **DIRECT** staff as appropriate. (Michael Kent, Contra Costa Health Services)

*The Committee received the report, and DIRECTED Staff from the Department's of Conservation and Development and Public Works to review recommendations 1-7 in the Pipeline Safety Report and develop a report to TWIC/BOS on how they could be implemented at the County.*

*The report is to include: 1) examples of how other jurisdictions respond to similar issues, 2) identification of processes/coordination that are already in place, 3) identification of processes that need to be established or incorporated in to existing functions, and 4) outreach to (and the policies of) other agencies as appropriate including San Ramon, Danville, Contra Costa Health Services, San Ramon Valley Fire Protection District,*



*An update on the status of the effort will be brought to TWIC in June.*

6. **ACCEPT report on the impacts to County transportation projects from the declining State gas tax; DIRECT the Public Works Director to make modifications to the current draft of the Capital Road Improvement and Preservation Program currently being routed for review to reflect the reduced gas tax revenues; and ACKNOWLEDGE that unless the State approves a transportation funding fix, the projects currently recommended to be delayed, will be deferred indefinitely, road deferred maintenance will continue to increase and our aging transportation infrastructure will be more costly in future.**  
(Steve Kowalewski, Department of Public Works)

*The Committee accepted the report and approved the staff recommendations.*

7. **CONSIDER report on Local, State, and Federal Transportation Related Legislative Issues and take ACTION as appropriate including CONSIDERATION of any specific recommendations in the report above.**(John Cunningham, Department of Conservation and Development)

*The Committee unanimously accepted the report.*

8. **PLEASE NOTE DIFFERENT TIME SCHEDULED FOR NEXT TWIC MEETING, AS FOLLOWS: the next meeting is currently scheduled for Thursday, May 12, 2016 at 2:00 P.M.**

9. **Adjourned the afternoon of Thursday, April 14, 2016.**

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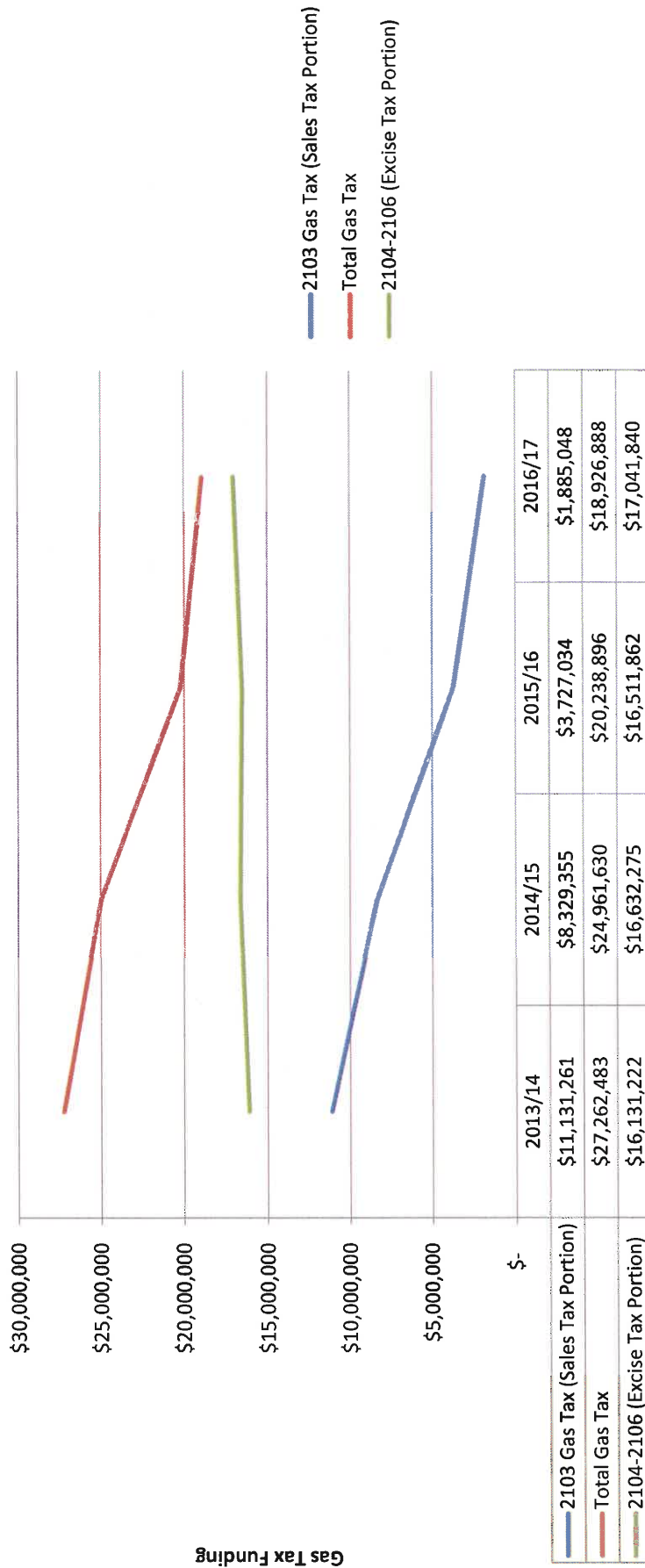
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John Cunningham, Committee Staff

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### Decline of Contra Costa's Gas Tax 2013/14 - 2016/17





# California Road Charge Pilot Program

Exploring the Possibilities...  
ONE MILE AT A TIME



Vehicles go farther with less fuel



Roads are fixed with fuel taxes at the pump

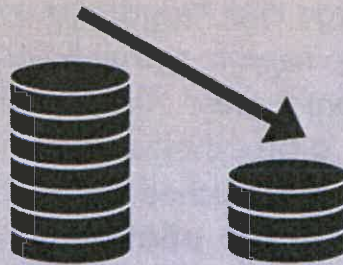


Roads and revenue to fix them are suffering

## Why Study Road Charge?



Increased damage to all roads



Reduced buying power



California's economy

**SIGN UP NOW!** Limited Opportunity

[www.CaliforniaRoadChargePilot.com](http://www.CaliforniaRoadChargePilot.com)



# Maintaining California's Economy **ONE MILE AT A TIME**

## **Background**

An efficient transportation system is critical for California's economy and quality of life. The revenues currently available for highways and local roads are inadequate to preserve and maintain existing infrastructure and to provide funds for improvements that would reduce congestion and improve safety. Because of improving fuel economy, motor fuel taxes are ineffective methods of meeting California's long-term revenue needs; they will steadily generate less revenue as cars and trucks become more fuel efficient and alternative sources of power are identified. By 2030, as much as half of the revenue that could have been collected will be lost to fuel efficiency.

## **Senate Bill 1077**

In an effort to address this problem, in 2014 the Legislature passed and the Governor signed into law Senate Bill (SB) 1077. SB 1077 established the Technical Advisory Committee under the California Transportation Commission to formulate recommendations for design of a pilot project to explore the risks and benefits of road charging. The recommendations of this diverse statewide committee are currently being finalized and will be provided to the Secretary of the California State Transportation Agency for consideration and guidance in executing the pilot. The road charging pilot will illustrate firsthand the advantages, disadvantages, challenges, and opportunities of road charging.




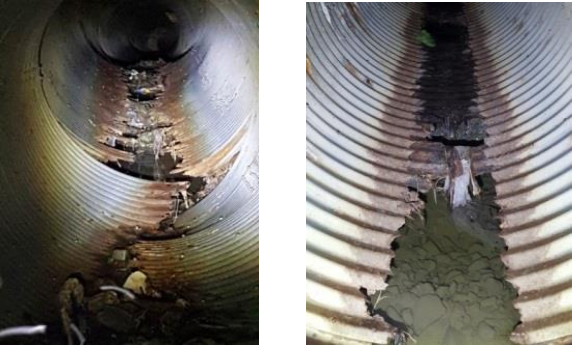

## **Road Charge Pilot Program**

The success of the Road Charge Pilot Program is contingent on **YOU**. To effectively evaluate the pilot program we need to recruit 5,000 volunteers to participate in this innovative and exciting 9-month study. The recruiting process has already started to ensure the pilot represents a broad cross-section of the population of California. With the Road Charge Pilot Program scheduled to commence in the summer of 2016, we need you to **participate in the pilot** and to **assist in the recruitment of volunteers**.




Go to the program website to find out more about the pilot efforts to date, provide feedback on the program, sign-up for updates, and most importantly volunteer and help us...**Improve our Roads – One Mile at a Time.**

[www.CaliforniaRoadChargePilot.com](http://www.CaliforniaRoadChargePilot.com)

# Maintaining and Operating the Local Streets and Roads Network – It's not just about pavement

	<p>Pavement- This is what most people think about when they think about Local Streets and Roads Maintenance. The pavement is just one of many components of a road that must be maintained. It is one of the most visible when it fails, however, other components, such as drainage, signals, lighting, slopes, etc. are just as important.</p>
	<p>Pavement – The last 5 years have been kind to us regarding winter weather. However, this year's El Nino storms are exposing the poor condition of our pavements. Water is the pavements worst enemy if it reaches underneath through cracks and worn surfaces. These small cracks can lead to big potholes very quickly when exposed to wet weather.</p>
	<p>Striping – striping of our roadways provides guidance to roadway users. With heavy traffic loads and weather, these stripes and markings tend to wear out and must be maintained on a regular basis.</p>
	<p>Aging Infrastructure – underground road drainage pipes are at the end of their useful life and are starting to fail at an increasing rate. Some of the failures lead to sink holes in the roadway.</p>
	<p>Hydrauger Maintenance – Hydraugers are designed to relieve slopes of excess water that can cause unexpected slides. These hydraugers must be maintained. Many of them were installed 50 years ago and are at the end of their useful life.</p>

# Maintaining and Operating the Local Streets and Roads Network – It's not just about pavement

	<p>Sinkhole in the roadway caused by road drainage pipe failing. We currently have a sinkhole on Hazel Avenue in East Richmond Heights. Several years ago we had a sink hole form on Marsh Creek Road that required immediate action to prevent the lane from collapsing.</p>
	<p>Street Sweeping – Clean Water regulations are demanding that more street sweeping occur to prevent debris, sediment, PCBs, and other road contaminants from reaching the drainage system and our creek. Bicycle lanes also require a higher level of maintenance and require street sweeping that eliminates debris that can be a danger to cyclists.</p>
	<p>Storm Drain Inlets – These inlets require special attention for on-going maintenance. First, the grate must be maintained to prevent cyclists from dropping a tire through the grate. The inlets must also be cleaned of debris on an annual basis to prevent flooding (County has hundreds of these inlets). The inlets will need to be retrofitted to prevent trash from entering the system to comply with the Clean Water permit condition on trash reduction.</p>
	<p>Traffic Signals – On-going costs include electricity costs, bulb outages, graffiti removal, push button maintenance, signal box maintenance, signal controller maintenance, signal timing adjustments, garage sale posting removal, repainting poles, street name signs, striping of crosswalks, etc.</p>



# Maintaining and Operating the Local Streets and Roads Network – It’s not just about pavement






	<p>Road Signs – The County maintains hundreds of street signs. These must be checked routinely for reflectivity and replaced if necessary. The signs are often damaged by gunshots, tagged by graffiti artists and gangs, and take a beating from weather and sun. These must be maintained to ensure a safe roadway.</p>
	<p>Environmental Mitigation – most new projects require environmental mitigation that has a one-time installation cost, but then requires maintenance in perpetuity.</p>
	<p>Illegal Dumping – A big problem that is getting worse. It’s unfortunate that we must use gas tax dollars to clean up illegally dumped trash instead of repairing potholes. We have taken measures to reduce this cost, but with new Clean Water trash reduction requirements, this may require a larger investment of scarce gas tax funding for permit compliance.</p>
	<p>Vegetation Management – Vegetation along roadways left unchecked can obscure traffic signs, traffic signals, sight lines for drivers, pedestrian facilities, bicycle facilities. Vegetation that is sick or stressed can also pose a problem and cause property damage and other safety issues in the road right of way.</p>
	<p>Guardrails – guardrails are a major safety component of the road system. These often get damaged and must be replaced. Also, guardrail standards change and much of our guardrail system is not up to current standards.</p> <p>Guardrail end treatments – Standards for guardrail end treatments have been increased and will require the County to change all guardrail</p>



# Maintaining and Operating the Local Streets and Roads Network – It’s not just about pavement

	end treatments.
	<p>Complete Streets – The complete streets concept requires the installation of pedestrian and bicycle facilities that require on-going maintenance.</p>
	<p>Aesthetics – there is a bigger demand by residents to landscape roadways. Street trees require additional care and routine maintenance. Most landscaping requires irrigation systems that also require on-going maintenance and additional cost to pay for the water.</p>
	<p>Storm Damage – The County roads are susceptible to storm damage, especially rural roads. These are unexpected expenditures that are, for the most part, not always reimbursed through emergency FEMA funding.</p>
	<p>Parking Signage/Curb Painting – Although minimal, the County does have parking restrictions that require signage and curb painting to be enforced. These require routine maintenance if we want the parking restrictions enforced by the CHP or Sheriff.</p>
	<p>Complete Streets/Landscaping – Communities often desire nicely landscaped downtown complete street projects. Many parts in the County don’t have landscape districts to fund the on-going maintenance, operations, and replacement of the landscaping. Gas tax is used to maintain these landscape features in addition to the hardscape features.</p>

# Maintaining and Operating the Local Streets and Roads Network – It’s not just about pavement

	<p>Slope stability – slopes adjacent to roadways sometimes become unstable and require routine maintenance for the drainage systems that drain the slopes. Concrete ditches must be cleaned, roadside ditches must be cleaned, hydroaugers cleaned, loose rock removed.</p>
	<p>Traffic Control Devices – Traffic control devices are necessary for safety of the roadway. These devices are often damaged and need on-going replacement and maintenance. The delineators on Vasco Road require approximately \$30,000 per year to replace damaged delineators.</p>
	<p>Complete Streets/Community Identity – Some communities desire a certain theme to a complete street project to reflect a community’s identity. These deviations from standard designs requires unique inventories be maintained and are often more expensive to construct and maintain.</p>
	<p>ADA Retrofitting – The road network must be accessible to all. The County is constantly upgrading its road facilities to be ADA compliant. This involves curb ramps, driveway depressions, pedestrian push buttons, audible signals, etc.</p>
	<p>Road Maintenance Equipment – The Maintenance Division requires heavy equipment to properly maintain the road system. This involves dump trucks, crew trucks, backhoes, rollers, chip spreaders, grinders, motor graders, vacuum trucks, etc.</p>



# Contra Costa County Board of Supervisors

## Subcommittee Report

### TRANSPORTATION, WATER & INFRASTRUCTURE COMMITTEE

5.

**Meeting Date:** 05/12/2016

**Subject:** Taxicab Regionalization Effort

**Submitted For:** TRANSPORTATION, WATER & INFRASTRUCTURE COMMITTEE,

**Department:** Conservation & Development

**Referral No.:** 18

**Referral Name:** MONITOR issues of interest in the provision of general transportation services including, but not limited to public transportation and taxicab services.

**Presenter:** Timothy Ewell, County  
Administrator's Office

**Contact:** Timothy Ewell  
(925)335-1036

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### **Referral History:**

On September 5, 2013, the Transportation, Water and Infrastructure Committee received a staff report regarding the status of a regulatory structure for taxicab permitting within the unincorporated area, pursuant to Government Code § 53075.5. At that time, the Committee directed staff to work with the County Administrator's Office (CAO) to:

1. Obtain advice from County Counsel regarding the County's potential risk and exposure for not having a taxicab permitting ordinance or resolution pursuant to the California Code.
2. Coordinate with the Office of the Sheriff to identify resources and develop a budget for codifying and administering a taxicab permitting ordinance or resolution.

On June 5, 2014, the County Administrator's Office returned to the Committee with a framework for the implementation of a taxicab ordinance in unincorporated areas of Contra Costa County. The implementation frame work, including roles of County departments, is summarized below:

### **Treasurer-Tax Collector**

I. Issues general business license to taxi companies operating in the unincorporated area.

II. Notifies applicants of the need to acquire a taxicab permit in jurisdiction where business is located.

### **Sheriff's Office**

I. Issues Permits to new taxicab operators and businesses located in the County unincorporated area.

*a. Applicant provides valid business license to operate in the unincorporated area.*

*b. Sheriff facilitates referrals for the California Department of Justice Live Scan and drug testing for permit applicants with businesses established in the unincorporated area, at cost of the applicant.*

*c. Applicant provides proof of taxicab vehicle inspection conducted by private entity at time of application for a permit, at cost of the applicant.*

*d. Sheriff to establish a fee for reviewing new applications and annual renewals as part of the Taxicab ordinance.*

II. Existing taxicab operators and businesses permitted in other jurisdictions within Contra Costa County doing business in an unincorporated area.

*a. Ordinance to allow a permit from any other jurisdiction within Contra Costa County to operate a taxicab to be accepted with no further action required by Sheriff's Office.*

*b. Business owner are still responsible for acquiring a business license to operate in the unincorporated area from Treasurer Tax Collector.*

At the June 5, 2014 meeting, the Committee approved the implementation framework and directed staff to work with County Counsel to draft the Ordinance for review by the Committee. Shortly following the meeting, the Contra Costa County Police Chief's Association discussed at a regular meeting, the notion of a regional taxicab cooperative.

On October 23, 2014, the County Administrator's Office and Sheriff's Office met with the Concord Police Chief and staff to explore options for implementing a regional taxicab cooperative with the intention of reporting back to the Committee with options and requesting direction.

Shortly after that meeting, the Contra Costa County Local Government Leadership Academy, sponsored by the Contra Costa County Public Manager's Association and local jurisdictions, received a submission from the City of Walnut Creek (Attachment A) to explore, as a project for Academy participants, the implementation of a regional taxicab permitting program. The project duration was from January through July 2015.

In light of the Academy submission, staff recommended and TWIC approved the tabling of further discussion about implementing a taxicab permitting regime for the unincorporated area until the results of the Academy project were complete and an analysis by County and municipal stakeholders was completed to assess the viability of a regional approach.

In August 2015, the Academy completed and a workgroup of participants, including the County's own Chrystine Robbins from the Sheriff's Office and Fire Marshal Robert Marshall from Contra Costa Fire, issued a thorough report on how best to move forward with a regional approach. The research of the workgroup cited a current Joint Exercise of Powers Authority (JPA) model in Marin County as a successful example of a regional effort to address taxicab permitting. Since the report was issued, representatives from the county, cities and special districts have met twice to discuss a path forward.

On August 26, 2015, the regional workgroup convened to discuss the Academy workgroup's findings and recommendations. The City of Walnut Creek, as the lead agency, offered to invite the General Manager of the Marin General Services Agency to discuss how that program worked

and the interaction between the Authority, Marin County and cities within the County.

On September 21, 2015, the regional workgroup convened to hear a presentation from the General Manager of the Marin General Services Authority about its operations and experience regulating taxis. Following that presentation, the workgroup was encouraged that an example of a regional model had proved to be a feasible endeavor, but had reservations about establishing a new, standalone JPA within Contra Costa County to manage the operations.

Alternatively, there was discussion regarding setting up an MOU process whereby a regional process would be “governed” by a set of MOUs between the County and cities. Following the discussion, the group agreed to report back to home agencies and return to the next workgroup meeting with the current position of each agency.

**Referral Update:**

On February 11, 2016, representatives from the City of Walnut Creek presented a proposal to the Public Manager’s Association (PMA) regarding a regional framework for regulation of taxicabs within the County. The proposal used a JPA model and the representatives provided template a template policy resolution for governing boards to consider – essentially agreeing to participate in the next phase of planning. Following that meeting, there was discussion between some city and county representatives as to whether the benefits and drawbacks of a JPA vs. MOU approach has been fully vetted prior to making a formal recommendation to establish a JPA.

Following those discussions, the City of Walnut Creek agreed to hold a conference call with city and county representatives, and their legal counsel, to determine a path forward. In the end, the group agreed that it would be best to continue vetting a JPA vs. MOU structure, but ask jurisdictions to adopt a policy resolution declaring formal interest in participating in a regional taxicab effort. This will help to get an accurate count of interested jurisdictions to determine the financial feasibility of a regional process. The policy resolution is included in today’s agenda packet for the Committee’s review.

**Recommendation(s)/Next Step(s):**

1. ACCEPT a report on the status of implementing a regional taxicab permitting process in Contra Costa County;
2. AUTHORIZE staff to continue working with the regional taxicab work group to evaluate the feasibility of establishing a joint taxicab permitting process, including, but not limited to, delegating the County’s permitting authority to a new or existing legal entity;
3. FORWARD attached policy resolution declaring formal interest in a regional taxicab permitting effort to the full Board of Supervisors for consideration.

**Fiscal Impact (if any):**

There is no fiscal impact.

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**Attachments**



**A RESOLUTION OF THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY AUTHORIZING THE COUNTY ADMINISTRATOR TO PURSUE EITHER THE POTENTIAL FORMATION OF A JOINT POWERS AUTHORITY (JPA) OR THE NEGOTIATION OF A MEMORANDUM OF UNDERSTANDING (MOU) FOR THE REGIONAL REGULATION OF TAXICAB SERVICES WITHIN CONTRA COSTA COUNTY**

**WHEREAS**, California Government Code Section 53075.5 states that every city or county shall protect the public health, safety, and welfare by adopting an ordinance or resolution regarding the provision of taxicab services within its jurisdiction;

**WHEREAS**, each individual jurisdiction within the County of Contra Costa is currently responsible for the regulation of taxicab services within its own boundaries, including but not limited to the licensing/permitting of vehicles and drivers, the conduct of driver background checks and testing for controlled substances, vehicle inspections, approval of taxicab rates, and the establishment and enforcement of other operating rules and procedures;

**WHEREAS**, the County of Contra Costa anticipates that the formation of a single regional taxicab authority, or the negotiation of a regional MOU, would provide a benefit to the residents, visitors, and businesses of the unincorporated area, and those of other participating jurisdictions, through the promotion and establishment of consistent rules and standards for the regulation of taxicab services across the County;

**WHEREAS**, it is also anticipated that the formation of a single regional taxicab authority, or the negotiation of a regional MOU, would allow taxicab drivers to obtain a single license/permit covering all participating jurisdictions, instead of having to obtain multiple licenses/permits throughout the County; and

**WHEREAS**, it is also anticipated that the regulation of taxicab services through a single regional authority, or the negotiation of a regional MOU, would create efficiencies that could reduce overall staff time currently dedicated to the administration and regulation of taxicab services, both within the County, and in other participating jurisdictions.

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Supervisors of Contra Costa County as follows:

1. The County Administrator, in partnership with other participating jurisdictions, is hereby authorized to investigate the feasibility of either forming a joint powers authority (“JPA”) or negotiating a memorandum of understanding (“MOU”) for the regional regulation of taxicab services within Contra Costa County.
  
2. The County Administrator shall designate a staff representative to work with the representatives of other participating jurisdictions in an effort to determine the

feasibility of either creating a regional JPA or negotiating a regional MOU and, if feasible, to draft agreements and documents necessary to implement such regional JPA or MOU, including but not limited to:

- (i) a proposed JPA among participating jurisdictions,
- (ii) proposed bylaws and uniform taxicab regulations to be adopted by a JPA,
- (iii) an MOU among participating agencies, or
- (iv) any other local resolutions or ordinances necessary to implement the JPA or MOU, all subject to final review and approval by the Board of Supervisors.

3. The County Administrator, or designee, is further authorized and encouraged to participate in regional outreach efforts, along with other jurisdictions, with community stakeholders.

4. The County Administrator, or designee, will continue to provide periodic updates to the Board of Supervisors' Transportation, Water and Infrastructure Committee (TWIC) regarding the work authorized by this Resolution.

DRAFT





# Contra Costa County Board of Supervisors

## Subcommittee Report

### TRANSPORTATION, WATER & INFRASTRUCTURE COMMITTEE

6.

**Meeting Date:** 05/12/2016  
**Subject:** CONSIDER report on Local, State, and Federal Transportation Related Legislative Issues and take ACTION as appropriate.  
**Submitted For:** TRANSPORTATION, WATER & INFRASTRUCTURE COMMITTEE,  
**Department:** Conservation & Development  
**Referral No.:** 1  
**Referral Name:** REVIEW legislative matters on transportation, water, and infrastructure.  
**Presenter:** John Cunningham, DCD                      **Contact:** John Cunningham  
(925)674-7883

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#### **Referral History:**

This is a standing item on the Transportation, Water, and Infrastructure Committee referral list and meeting agenda.

#### **Referral Update:**

In developing transportation related legislative issues and proposals to bring forward for consideration by TWIC, staff receives input from the Board of Supervisors (BOS), references the County's adopted Legislative Platforms, coordinates with our legislative advocates, partner agencies and organizations, and consults with the Committee itself.

Recommendations are summarized in the Recommendation(s)/Next Step(s) section at the end of this report. Specific recommendations, if provided, are underlined in the report below. This report includes three sections, 1) LOCAL, 2) STATE, and 3) FEDERAL.

#### **1) LOCAL**

##### **Transportation Expenditure Plan (TEP)**

**Background:** The Contra Costa Transportation Authority (Authority) is in the process of developing a Transportation Expenditure Plan (TEP) to potentially be put to a vote in November 2016. A TEP is a statutorily required component of a transportation sales tax. This is a standing TWIC item for the foreseeable future.

##### **TEP Update**

There is no written report on the TEP this month. Staff has submitted a report May 10th Board of Supervisors (BOS) meeting which can be viewed here:

[http://64.166.146.245/docs/2016/BOS/20160510\\_755/765\\_05-10-16\\_1535\\_AGENDApacket.pdf#page=51](http://64.166.146.245/docs/2016/BOS/20160510_755/765_05-10-16_1535_AGENDApacket.pdf#page=51)

At the time of the May 12 TWIC agenda posting, the Authority had just completed their May 10 Special TEP meeting. The materials distributed at that meeting are included in the May 10th BOS report found at the link above.

Also attached for the Committees information is the following:

- 4-29-16 Letter from the BOS to CCTA regarding the TEP
- 4-12-16 Letter from the BOS to CCTA regarding the rotation of the Chair and Vice Chair.

**RECOMMENDATION: DISCUSS any local issues of interest to the County and take ACTION as appropriate.**

## 2) STATE

### Legislative Report

The legislative report from the County's legislative advocate, Mark Watts, is attached (*May TWIC report*).

Mr. Watts will be present at the May meeting to discuss state legislation, the status of state transportation revenues, Iron Horse corridor status and other items of interest to the Committee.

### School Facilities

For the Committees consideration, information regarding the 2016 *California Public Education Facilities Bond Initiative* is below and attached. This information is being provided in that over the past 3-4 years the County has been attempting to engage the State in reforming school siting practices. One primary mechanism by which the County has approached this issue is through the legislature and their (unsuccessful) efforts to renew school facility bond authority.

Absent the legislature's success in moving a bill forward, a voter approved initiative was successful and will be on the November 2016 Ballot. The 2016 bond initiative has no language relative to reform or improvement of school siting practices and will compromise the County's ability to advocate for this type of reform at the state. While the Governor opposes the bill ( "*I am against the developers' \$9 billion bond,...It's a blunderbuss effort that promotes sprawl and squanders money...*") the bond does have support as seen in the attached overview (California Public Education Facilities Bond Initiative (2016) - Ballotpedia).

### Summary language from the Secretary of State:

***School Bonds.*** *Funding for K-12 School and Community College Facilities. Initiative Statutory Amendment. Authorizes \$9 billion in general obligation bonds: \$3 billion for new construction and \$3 billion for modernization of K-12 public school facilities; \$1 billion for charter schools and vocational education facilities; and \$2 billion for California Community Colleges facilities. Bars amendment to existing authority to levy developer fees to fund school facilities, until new construction bond proceeds are spent or December 31, 2020, whichever is earlier. Bars amendment to existing State Allocation Board process for allocating school construction funding, as to these bonds. Appropriates money from the General Fund to pay off bonds. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: State General Fund costs of \$17.6 billion to pay off principal (\$9 billion) and interest (\$8.6 billion) on bonds over a period of 35 years. Annual payments would average \$500 million. Annual payments would be relatively low in the initial and final few years and somewhat higher in the intervening years.*

**RECOMMENDATION:** DISCUSS any state issues of interest to the County and take ACTION as appropriate.

**3) FEDERAL**

No written report in May.

**RECOMMENDATION:** DISCUSS any federal issues of interest to the County and take ACTION as appropriate.

**Recommendation(s)/Next Step(s):**

CONSIDER report on Local, State, and Federal Transportation Related Legislative Issues and take ACTION as appropriate including CONSIDERATION of any specific recommendations in the report above.

**Fiscal Impact (if any):**

There is no fiscal impact.

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**Attachments**

4-29 BOS to CCTA re TEP

4-12-16 BOS to CCTA re Chair-ViceChair

May TWIC report

Ca.Public Education Facilities Bond Initiative 2016

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## The Board of Supervisors

County Administration Building  
651 Pine Street, Room 106  
Martinez, California 94553

**John Gioia**, 1<sup>st</sup> District  
**Candace Andersen**, 2<sup>nd</sup> District  
**Mary N. Piepho**, 3<sup>rd</sup> District  
**Karen Mitchoff**, 4<sup>th</sup> District  
**Federal D. Glover**, 5<sup>th</sup> District

## Contra Costa County



**David Twa**  
Clerk of the Board  
and  
County Administrator  
(925) 335-1900

April 29, 2016

Dave Hudson, Chair  
Contra Costa Transportation Authority  
2999 Oak Road, Suite 100  
Walnut Creek, CA 94597

### Subject: Transportation Expenditure Plan

Dear Chair Hudson:

On April 26, 2016, the Board of Supervisors (Board) approved the following comments on **1)** the latest version<sup>1</sup> of the Transportation Expenditure Plan (TEP) and **2)** the April 20, 2016 memo from Gray, Bowen, Scott re: *Review of the Draft TEP/Identified Issues and Recommendations*. This comment letter does not constitute an endorsement by the Board of the concept of a 2016 transportation sales tax. The Board will consider that broader issue at a future meeting.

### ***TEP: Detailed Descriptions of Funding Categories: Community Development***

***Transportation Program:*** The Board believes there is an adequate amount of attention paid to the “housing” side of the jobs/housing balance. The comments below are meant to provide some additional focus on the “jobs” side of the ratio by encouraging higher quality employment.

*...Funds will be allocated on a competitive basis to transportation projects or programs that promote economic development, job creation (targeting businesses that create significant direct employment and indirect jobs) and/or housing within established (or planned) transit supportive community centers.*

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<sup>1</sup> April 8, 2016 CCTA Memo to RTPCs re: *Draft Transportation Expenditure Plan (TEP) - Release for Review and Comment*

*Additional priority will be given to projects where the sponsor can demonstrate that the project supports and facilitates development of housing for all income levels or supports creating jobs in areas with a deficit of proximate, middle-wage employment opportunities. Working with the RTPCs, the Authority will prepare guidelines and establish overall criteria for the program including the recognition of localized jobs/housing imbalances and the consequential impacts, including: imbalanced and excessive commute times; quality of life, higher vehicle miles traveled/greenhouse gas production and; under-utilized transportation infrastructure.*

**TEP: Detailed Descriptions of Funding Categories: Local Streets Maintenance & Improvements:** The description of eligible maintenance activities should be explicit in what activities are funded. We want to ensure that road-related, non-pavement infrastructure is also eligible for these funds. This includes but is not limited to water conveyance features, environmental mitigation, safety features, vegetation & landscaping, ADA obligations, etc. While transportation facility maintenance typically focuses on pavement costs, the road-related non-pavement infrastructure costs are often higher.

**Gray, Bowen, Scott Memo: Urban Limit Line: 11.** *Require jurisdictions that might be considering a non-voter approved amendment to their ULL that would impact defined Agricultural lands outside of the ULL to adopt an Agricultural Protection Ordinance and/or mitigate the loss of designated Agricultural lands by permanently protecting farmland.*

The Board does not support this recommendation. We prefer that the TEP retain a focus on transportation issues and that local jurisdictions maintain more autonomy on agricultural preservation. Local agencies are free to take this issue up if circumstances warrant.

**Gray, Bowen, Scott Memo: The Growth Management Program: 12.** *With respect to the Growth Management Program, the GBS team recommends that the Authority add additional disclosure items (not requirements) to its Growth Management Checklist to include whether or not a jurisdiction has adopted any or all of the following – a Hillside Development Ordinance...*

Similar to the comment above, the Board believes the TEP should have a tighter focus on transportation and avoid addressing other, ancillary issues.

Dave Hudson, Chair - CCTA  
April 29, 2016  
Page 3 of 3

The Board of Supervisors appreciates the tireless efforts of the Authority Board, staff and consultants in moving this important effort ahead and for the consideration of these comments. We look forward to your response.

Sincerely,



Candace Andersen, Chair  
Contra Costa County Board of Supervisors  
Supervisor, District II

C:  
Members, Board of Supervisors  
David Twa, County Administrator  
Sharon Anderson, County Counsel  
Julie Bueren, Director – Public Works Department  
John Kopchik, Director - Conservation and Development

## The Board of Supervisors

County Administration Building  
651 Pine Street, Room 106  
Martinez, California 94553

John Gioia, 1<sup>st</sup> District  
Candace Andersen, 2<sup>nd</sup> District  
Mary N. Piepho, 3<sup>rd</sup> District  
Karen Mitchoff, 4<sup>th</sup> District  
Federal D. Glover, 5<sup>th</sup> District

## Contra Costa County



David Twa  
Clerk of the Board  
and  
County Administrator  
(925) 335-1900

April 12, 2016

David E. Hudson, Chair  
Contra Costa Transportation Authority  
2999 Oak Road, Suite 100  
Walnut Creek, CA 94597

### **Subject: Rotation of Authority Chair and Vice Chair**

I am writing on behalf of the Board of Supervisors to raise a concern and make a request regarding the administration of the Contra Costa Transportation Authority (CCTA). Currently, the Chair of the CCTA Board rotates between the city representatives. We are respectfully requesting that the County now be included in this rotation.

The County's membership in CCTA is equal that of the cities in most other respects. The Board of Supervisors believes that an equal opportunity should be provided to the County to serve in the leadership capacity of Chair and Vice Chair.

The Board of Supervisors appreciates and respects the leadership provided by the cities over these many years and we look forward to contributing in the same capacity if the Authority Board acts favorably on this request.

Sincerely,

Candace Andersen, Chair  
Contra Costa County Board of Supervisors  
Supervisor, District II

Copy: David Twa, Contra Costa County Administrator

# Smith, Watts & Hartmann, LLC.

Consulting and Governmental Relations

## MEMORANDUM

TO: John Cunningham  
FROM: Mark Watts  
DATE: May 3, 2016  
SUBJECT: **May TWIC Report**

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### Key Bills - Update

Presented below are brief summaries of bills of interest to the authority, including AB 1592 (Bonilla), AB 1665 (Bonilla) and AB 1764 (Stone). A brief summary overview of the 3 main bills introduced to address the state's transportation funding crisis, is included, as well.

**AB 1592 (Bonilla):** This measure authorizes the Contra Costa Transportation Authority to conduct a pilot project for the testing of autonomous vehicles.

The bill was approved by the Assembly on April 6 (75-0) and was referred to the Senate Transportation & Housing committee.

**AB 1665 (Bonilla):** This bill authorizes the taxing authority for a countywide transportation program to be transferred from the County of Contra Costa to the Contra Costa Transportation Authority and extends the period of authorization from 2020 to 2024.

Subsequent to its approval in the Assembly Local Government Committee on April 6 the bill was considered in Assembly Revenue and Taxation Committee on April 25. Commissioners Pierce and Worth were on hand in support of this measure. Additionally, the author and sponsor have developed amendments in response to concerns raised by the Howard Jarvis Taxpayer's Association (HJTA); acknowledging this, HJTA indicated in testimony in the Revenue and Taxation committee that they would remove their opposition when the amendments are adopted. The committee then approved the bill, 6-0.

The amendments would restore the 2020 sunset date, eliminate reference to Alameda County, provide only CCTA with the taxing authority, include language to ensure that the Alameda tax approved by voters is still operative and add an urgency clause to ensure the CCTA authority is available upon approval of the bill.

**AB 1746 (Stone):** This bill extends the present limited authority for a pilot program to operate transit buses on highway shoulders to additional transit operators. The bill would provide this authorization to several transit agencies operating in Contra Costa County:



- AC Transit
- Livermore Amador Valley Transit Authority (LAVTA)
- Central Contra Costa Transit Authority (CCCTA).

In support of this bill, CCCTA notes that CCTA completed an I-680 Transit Investment and Congestion Relief Study and that one of the recommendations of the study is a bus on shoulder transit service along the corridor to link the Martinez Amtrak station with BART, Bishop Ranch and ACE Train service in Pleasanton.

On April 14, the bill was approved by the Assembly (76-0) and is pending assignment to policy committee in the Senate.

### **Transportation Funding**

#### *AB 1591 (Frazier)*

Mr. Frazier's major transportation funding proposal will generate more than \$7 billion annually to be used for trade corridor improvements and road maintenance and rehabilitation. The bill has been referred to both the Assembly Transportation and Revenue and Taxation Committees, but not yet scheduled.

#### *Governor Brown's Transportation Budget Proposal*

Governor Brown's proposal is estimated to generate approximately \$3.6 billion, annually, and includes a number of protections and reforms suggested by the Republican Caucuses last year. As a Budget Trailer Bill, it has been included in the May 4<sup>th</sup> Assembly Budget Subcommittee Agenda, where the recommendation is to hold it over in deference to policy committee consideration.

#### *SBX1 1 (Beall)*

After an extended effort to seek additional policy input from his colleagues, Senator Beall amended SBX1 1 on April 21. The bill would provide \$5.5 billion of ongoing new funding resources for transportation, as well as a one-time infusion of nearly \$1 billion from General fund loan repayments

The recent amendments add several reforms and address the issue of recapturing truck weight fees through innovative fund swaps to generate an ongoing \$500 million from this source for road and highways repairs. Additionally, the bill adds important reforms, including CTC independence, a new Office of Inspector General, extending the current P3 law, streamlining of CEQA and establishes and funds an Advance Infrastructure Mitigation Program.

The author's Fact Sheet, with more details, is included below.

# Transportation Infrastructure and Economic Investment Act (SB X 1-1)

## FACT SHEET

### ***A \$6.5 billion funding package to improve our roads and transportation infrastructure***

#### **Where will the money come from?**

##### **Revenues Adjustments and Enhancements: \$4.6 billion annually**

The transportation-funding package proposes a series of new revenue enhancements and adjustments to fix our roads and improve mobility throughout the state. Specifically, this proposal eliminates the Board of Equalization's annual adjustment of the gas excise tax, restores the gas excise tax rate by 6 cents to its pre-2015 level, plus enhances the gas excise tax an additional 6 cents and indexes it to raise approximately \$1.7 billion annually. The proposal also increases the diesel excise tax by 22 cents and sales tax to 5.25% to generate an estimated \$900 million annually. Additional revenue enhancements include an annual road access fee of \$35 per vehicle, an annual \$100 fee for zero-emission vehicles, and a vehicle registration adjustment of \$35 per vehicle.

##### **Restoration of existing weight fees: \$500 million**

Vehicle weight fees generate approximately \$1 billion annually and are currently used to pay down transportation debt service. The package will annually redirect half of weight fees currently being allocated for transportation debt service (\$500 million) to once again be used for transportation purposes. The package will recapture the estimated \$500 million from transportation revenue generated from State Transit Assistance, High-Speed Rail, and other miscellaneous revenues currently used for specific debt service in addition to a redirection of Highway User Tax Account funds currently being used for General Fund purposes.

The redirection of the above-mentioned special funds will be backfilled with \$300 million in non-dedicated Cap-and-Trade (C&T) revenues and \$200 million in General Fund revenue.

##### **Increase Cap and Trade allocation for transit: \$300 million**

Existing law requires a portion of C&T revenues to fund several transit related programs. This package increases the existing percentage of funding for the C&T's Transit and Intercity Rail Capital Program from the current 10% allocation to 20% and the Low Carbon Transit Operations Program from the current 5% to 10% in order to increase transit services that reduce greenhouse gas emissions throughout the state.

##### **CalTrans Reforms and Efficiency improvements: \$100 Million**

The package requires Caltrans to provide the California Transportation Commission with a plan to increase the department's efficiency by 30%, similar to the Governor's Transportation funding proposal, and further requires Caltrans to justify to the Legislature, via reporting to the appropriate Policy and Budget Committees, the number of employees needed to complete transportation projects and any replacement of positions accrued through attrition. Requires Caltrans to develop and implement outcome-based performance and efficiency guidelines for projects funded by new revenues. Revenue generated from efficiency modifications will be targeted to fund road maintenance, repair work, and one-time cleanup efforts of state highways.

##### **Accelerate General Fund Loan Repayment obligations: \$1 Billion in one-time revenue**

This package provides that outstanding loans (approximately \$1 billion) made to the General Fund from the State Highway Account, the Motor Vehicle Fuel Account, the Highway Users Tax Account, and the Motor Vehicle Account will be repaid

with a one-time payment within a designated time. The package would further dedicate these revenues to provide one-time funding for highway cleanup efforts.

**Total funding: \$5.5 billion annually + \$1 billion one-time revenue**

### **How will the money be spent?**

#### **Funding for Self-Help Counties**

To encourage local governments share in the financial responsibility of maintaining and improving California's transportation infrastructure, this proposal sets aside 5% of annual revenues to counties that adopt local sales tax measures commonly referred to as "self-help" counties. If no new "self-help" counties are approved then the funding shall revert back and allocated 50/50 by the locals and state.

#### **50/50 funding split between state and local agencies**

The package establishes a balanced approach to ensure transportation maintenance and rehabilitation needs are sufficiently met throughout the state. Thus, new transportation revenue will be split equally between locals and state for road and bridge repair and maintenance.

#### **Trade Corridors**

As regional ports serve as one of the primary economic engines for the state, the transportation funding package allocates 12 cents of the diesel excise Tax or \$300 million annually to support the movement of goods in California's critically important trade corridors. Ports such as Los Angeles, Long Beach, and Oakland along with border crossings with Mexico will receive financial resources to boost mobility efficiency along these trade corridors.

#### **High-Speed Rail Connectors: Commuter/Intercity Rail**

In order to continue providing travelers with improved mobility options to get to work, school, and other key destinations, \$550 million will be allocated to support commuter rail improvements. As a result, commuter rail systems such as the Altamont Corridor Express (ACE) commuter rail service through Stockton and onto Modesto, Merced, and Fresno as well as the Pacific Surfliner intercity rail service through San Diego, Orange, and Ventura Counties will receive additional financial resources to provide additional options such as service increases within their corridors.

#### **Workforce, job training, & Opportunity Act (Pre-Apprenticeship Programs)**

The transportation package addresses the state's projected labor shortage by providing high-quality training and skills development to individuals entering the workforce. The proposal specifies all projects funded with new transportation revenue will be required to engage in a pre-apprenticeship program for individuals, including low-income/disadvantaged individuals. State and local California Conservation Corps shall be an eligible partner under this act.

### **How will transportation funding be protected?**

#### **Constitutional Protections:**

Prohibits the Legislature from borrowing or redirecting new revenues levied on vehicles or their use and further prohibits the Legislature from using those revenues for purposes other than specifically permitted by Article 19. The Constitutional proposal additionally prohibits new revenues from being pledged or used for the payment of principal and interest on bonds or other indebtedness. Revenues derived from off-road vehicles and boats must be used for relevant purposes. Additionally, aviation fuel taxes will also be required to be used specifically for aviation purposes. Further clarifies revenues allocated to trade corridors can be used for both rail and road projects. Lastly, the proposal allows a portion of existing weight fees to continue to be used for transportation debt service.

**Reforms:**

CTC Independence

The package establishes CTC as an independent agency as a means to design a more efficient project delivery system and use of state resources. Further transfers responsibility for the approval of the State Highway Operations and Protection Program (SHOPP) from Caltrans to CTC. Specifically, acting as an independent state entity, CTC will be provided with the ability to prioritize project needs and align limited transportation resources to effectively meet project needs.

Office of Transportation Inspector General

Creates the Office of the Transportation Inspector General (TIG) and notes that the TIG shall not be a subdivision of any other governmental entity. Specifies the TIG is to serve as an independent office to ensure that all state agencies expending state transportation funds are operating efficiently, effectively, and in compliance with federal and state laws. Provides the Legislature with the ability to direct the TIG to carry out compliance investigations (including on CTC) and issue reports and findings accordingly.

**Additional transportation improvements:**

**Public-Private Partnerships**

Authorizes the Caltrans Director, at their discretion, to enter into Public-Private Partnership agreements permanently. Requires approval of workload ratio request by the Caltrans Director to be determined through the annual budget process and further requires Caltrans Director to establish parameters to justify the proposed workload ratio.

**CEQA Streamlining and Advanced Mitigation**

Exempt from CEQA requirements a project that consists of the inspection, maintenance, repair, restoration, reconditioning, relocation, replacement, or removal of existing transportation infrastructure within the existing right of way.

Establishes an Advance Infrastructure Mitigation Program designed to provide comprehensive environmental mitigation associated transportation projects in exchange for streamlined project approvals from federal and state resources agencies.

**Active Transportation**

Improve existing Active Transportation Program through increased funding and updating the Highway Design Manual to include complete streets design. Pursuant to this act, Caltrans shall establish a new division specific to Active Transportation and allocates an additional \$100 million in new revenue to active transportation programs.

**Summary of new revenues:**

Gasoline excise tax increase: \$0.12/gallon	\$1.7 billion	Indexed
Diesel excise tax increase: \$0.22/gallon	\$600 million	Indexed
Road access fee: \$35 per vehicle annually	\$1 billion	Indexed
VRF adjustment: \$35 per vehicle annually	\$1 billion	Indexed
Zero-emission vehicles Fee: \$100 per vehicle	\$10 million	
Increase diesel fuel sales tax from 1.75% to 5.25%	\$300 million	
Caltrans reforms & efficiencies	\$100 million	
Restoration of weight fees	\$500 million	
Cap and Trade distribution increases	\$300 million	

<b>Total ongoing:</b>	<b>\$5.5 billion</b>	
Loan Repayment Acceleration:	<b>\$1 billion</b>	One-time
<b>Total Revenue:</b>	<b>\$6.5 billion</b>	

Want to receive email updates from Ballotpedia?

Name

Email Address

## California Public Education Facilities Bond Initiative (2016)

The **Public Education Facilities Bond Initiative** (#15-0005) will be on the ballot for voters in California as an initiated state statute on November 8, 2016.<sup>[1]</sup>

A **"yes"** vote would be a vote in favor of the state issuing \$9 billion in bonds to fund improvement and construction of school facilities for K-12 schools and community colleges.

A **"no"** vote would be a vote against the state issuing \$9 billion in new debt to fund the improvement and construction of education facilities.

The proceeds from the \$9 billion in bonds proposed by this initiative would be stored in a 2016 State School Facilities Fund and a 2016 California Community College Capital Outlay Bond Fund.

Proceeds would be allocated for the following purposes:<sup>[1]</sup>

- \$3 billion for the construction of new school facilities;
- \$500 million for providing school facilities for charter schools;
- \$3 billion for the modernization of school facilities;
- \$500 million for providing for facilities for career technical education programs; and
- \$2 billion for acquiring, constructing, renovating, and equipping community college facilities.<sup>[2]</sup>

### Text of measure

#### Ballot title:

**School Bonds. Funding for K-12 School and Community College Facilities. Initiative Statutory Amendment.**

#### Official summary:

"Authorizes \$9 billion in general obligation bonds: \$3 billion for new construction and \$3 billion for modernization of K-12 public school facilities; \$1 billion for charter schools and vocational education facilities; and \$2 billion for California Community Colleges facilities. Bars amendment to existing authority to levy developer fees to fund school facilities, until new construction bond proceeds are spent or December 31, 2020, whichever is earlier. Bars amendment to existing State Allocation Board process for allocating school construction funding, as to these bonds. Appropriates money from the General Fund to pay off bonds."<sup>[3]</sup>

**Fiscal impact statement:** *(Note: The fiscal impact statement for a California ballot initiative authorized for circulation is jointly prepared by the state's legislative analyst and its director of finance.)*

"State General Fund costs of \$17.6 billion to pay off principal (\$9 billion) and interest (\$8.6 billion) on bonds over a period of 35 years. Annual payments would average \$500 million. Annual payments would be relatively low in the initial and final few years and somewhat higher in the intervening years."<sup>[3]</sup>

### Full text

The full text of the initiative measure is available here (<http://oag.ca.gov/system/files/initiatives/pdfs/15-0005%20%28Education%20Bond%20Act%29.pdf?>).

### Support

### California Public Education Facilities Bond Initiative



#### Election date

November 8, 2016

#### Topic

Bond issues and Education

#### Status

On the ballot

#### Type

State statute

#### Origin

Citizens

The campaign in support of the initiative is being led by Californians for Quality Schools.<sup>[4]</sup>

## Supporters

- Coalition for Adequate School Housing<sup>[5]</sup>
- California Building Industry Association

## Arguments

The "Findings and Declaration" section of the initiative petition argues:<sup>[1]</sup>

- “ The people of the State of California find and declare all of the following:
- (a) Pursuant to the California Constitution, public education is a state responsibility and, among other things, that responsibility requires that public schools be safe, secure and peaceful.
  - (b) The state of California has a fundamental interest in the financing of public education and that interest extends to ensuring that K-14 facilities are constructed and maintained in safe, secure and peaceful conditions.
  - (c) Since 1998, the state of California has successfully met its responsibility to provide safe, secure and peaceful facilities through the School Facilities Act of 1998, contained in Article 1 of Chapter 12.5 of Part 10 of Division 1 of the Education Code.
  - (d) The State Allocation Board has the authority to audit expenditure reports and school district records in order to assure bond funds are expended in accordance with program requirements, which includes verifying that projects progress in a timely manner and that funds are not spent on salaries or operating expenses.
  - (e) The people of the State of California further find and declare the following:
    - (1) California was among the hardest hit of the states during the last recession and while employment gains are occurring, economists caution that the state economy has not yet fully recovered.
    - (2) Investments made through the Kindergarten Through Community College Public Education Facilities Bond Act of 2016 will provide for career technical education facilities to provide job training for many Californians and veterans who face challenges in completing their education and re-entering the workforce.
    - (3) Investments will be made in partnership with local school districts to upgrade aging facilities to meet current health and safety standards, including retrofitting for earthquake safety and the removal of lead paint, asbestos and other hazardous materials.
    - (4) Studies show that 13,000 jobs are created for each \$1 billion of state infrastructure investment. These jobs include building and construction trades jobs throughout the state.
    - (5) The Kindergarten Through Community College Public Education Facilities Bond Act of 2016 provides for disadvantaged school districts and local control.
    - (6) Academic goals cannot be achieved without 21st Century school facilities designed to provide improved school technology and teaching facilities.<sup>[6]</sup>

## Opposition

### Opponents

- Gov. Jerry Brown (D)

### Arguments against

**Gov. Brown** stated:

- “ I am against the developers' \$9-billion bond. It's a blunderbuss effort that promotes sprawl and squanders money that would be far better spent in low-income communities.<sup>[6]</sup>

—Gov. Jerry Brown (D)<sup>[7]</sup>

# Campaign finance

As of March 2016, the support campaign for this initiative had a war chest of \$4,441,500. The opposition campaign had not reported any contributions.<sup>[9][10]</sup>

## Support

About 85 percent of the total contributions in support of this initiative were provided by the top 12 largest donors. There were four out-of-state donors among the top 12 as of March 24, 2016. Out-of-state contributions among the top 12 totaled \$462,600, which was about 10 percent of the total.<sup>[11]</sup>

As of March 17, 2016, the following PACs were registered to support this initiative. The total amount raised below was current as of March 17, 2016. The amount spent listed below was current as of December 2015.<sup>[9]</sup>

PAC	Amount raised	Amount spent
Californians for Quality Schools	\$4,441,500	\$1,526,104.08
<b>Total</b>	<b>\$4,441,500</b>	<b>\$1,526,104.08</b>

As of March 24, 2016, the top five largest donors in support of this initiative were:<sup>[11]</sup>

Donor	Amount
Coalition for Adequate School Housing Issues Committee	\$1,595,000
California Building Industry Association Issues Committee	\$877,500
CA Association of Realtors Issues Mobilization PAC	\$250,000
Lewis Pacific Partners, including contributions from Lewis Investment	\$150,000
K. Hovnanian Companies, LLC	\$125,100




## Opposition

As of March 25, 2016, California Taxpayers and Educators Opposed to Sprawl and Developer Abuse was the only PAC filed to oppose this initiative. No campaign contributions had been reported as of March 2016.<sup>[10]</sup>

## Polls

California Public Education Facilities Bond (2016)				
Poll	Support	Oppose	Undecided	M E
Fairbank, Maslin, Maullin, Metz & Associates ( <a href="http://web.archive.org/web/20150120165959/http://californiansforqualityschools.com/wp-content/uploads/2014/12/CA-School-Bond-Polling-Memo.pdf">http://web.archive.org/web/20150120165959/http://californiansforqualityschools.com/wp-content/uploads/2014/12/CA-School-Bond-Polling-Memo.pdf</a> ) 12/01/2014 - 12/07/2014	63.0%	33.0%	4.0%	+

Note: The polls above may not reflect all polls that have been conducted in this race. Those displayed are a sampling chosen by Ballotpedia staff. If you would like another poll for inclusion in the table, send an email to [editor@ballotpedia.org](mailto:editor@ballotpedia.org) (<mailto:editor@ballotpedia.org>).

<b>Total campaign cash<sup>[8]</sup></b>	
 as of March 17, 2016	
 <b>Support:</b>	<b>\$4,441,500</b>
 <b>Opposition:</b>	<b>\$0</b>



## Path to the ballot

See also: *California signature requirements*

- Thomas W. Hiltachk submitted a letter requesting a title and summary on January 12, 2015.
- A title and summary were issued by the attorney general of California's office on March 23, 2015.
- 365,880 valid signatures were required for qualification purposes.
- Supporters had until September 21, 2015, to collect the required signatures.<sup>[2]</sup>
- The measure was deemed eligible on September 17, 2015, after officials verified signatures and is slated to become qualified 131 days before the election.<sup>[12]</sup>

## External links

- Letter requesting a ballot title for Initiative 15-0005  
(<https://oag.ca.gov/system/files/initiatives/pdfs/15-0005%20%28Education%20Bond%20Act%29.pdf?>)



## Additional reading

- *Fresno Bee*, "California school builders, others to gather signatures for November 2016 bond measure," January 13, 2015  
([http://www.fresnobee.com/2015/01/13/4328175\\_california-school-builders-others.html?rh=1](http://www.fresnobee.com/2015/01/13/4328175_california-school-builders-others.html?rh=1))

## References

(<https://oag.ca.gov/system/files/initiatives/pdfs/15-0005%20%28Education%20Bond%20Act%29.pdf?>)

2. *California Secretary of State*, "Initiatives and Referenda Pending Signature Verification," accessed September 15, 2015 (<http://www.sos.ca.gov/elections/ballot-measures/initiative-and-referendum-status/initiatives-and-referenda-pending-signature-verification/>)
3. California Secretary of State, "New Measure Eligible for California's November 2016 Ballot," accessed January 7, 2016 (<http://www.sos.ca.gov/administration/news-releases-and-advisories/2015-news-releases-and-advisories/new-measure-eligible-californias-november-2016-ballot/>)
4. *Californians for Quality Schools*, "Homepage," accessed January 20, 2015 (<http://californiansforqualityschools.com>)
5. *Californians for Quality Schools*, "Californians For Quality Schools Files Ballot Initiative For 2016 School Facility Bond," January 15, 2015 (<http://californiansforqualityschools.com/californians-quality-schools-files-ballot-initiative-2016-school-facility-bond/>)
6. *Note: This text is quoted verbatim from the original source. Any inconsistencies are attributed to the original source.*
7. *Los Angeles Times*, "Gov. Jerry Brown opposes \$9-billion school bond measure," February 12, 2016  
(<http://www.latimes.com/local/education/la-me-pol-sac-jerry-brown-school-bond-20160212-story.html>)

Categories: California 2016 ballot measures | State ballots, 2016 | Bond issues, California | Education, California  
| Certified, education, 2016 | Certified, bond issues, 2016 | California 2016 ballot measures, certified  
| Initiated statute certified for the 2016 ballot

# INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

## Section 1. Findings and Declarations

The people of the State of California find and declare all of the following:

- (a) Pursuant to the California Constitution, public education is a state responsibility and, among other things, that responsibility requires that public schools be safe, secure and peaceful.
- (b) The state of California has a fundamental interest in the financing of public education and that interest extends to ensuring that K-14 facilities are constructed and maintained in safe, secure and peaceful conditions.
- (c) Since 1998, the state of California has successfully met its responsibility to provide safe, secure and peaceful facilities through the School Facilities Act of 1998, contained in Article 1 of Chapter 12.5 of Part 10 of Division 1 of the Education Code.
- (d) The State Allocation Board has the authority to audit expenditure reports and school district records in order to assure bond funds are expended in accordance with program requirements, which includes verifying that projects progress in a timely manner and that funds are not spent on salaries or operating expenses.
- (e) The people of the State of California further find and declare the following:
  - (1) California was among the hardest hit of the states during the last recession and while employment gains are occurring, economists caution that the state economy has not yet fully recovered.
  - (2) Investments made through the Kindergarten Through Community College Public Education Facilities Bond Act of 2016 will provide for career technical education facilities to provide job training for many Californians and veterans who face challenges in completing their education and re-entering the workforce.
  - (3) Investments will be made in partnership with local school districts to upgrade aging facilities to meet current health and safety standards, including retrofitting for earthquake safety and the removal of lead paint, asbestos and other hazardous materials.
  - (4) Studies show that 13,000 jobs are created for each \$1 billion of state infrastructure

investment. These jobs include building and construction trades jobs throughout the state.

(5) The Kindergarten Through Community College Public Education Facilities Bond Act of 2016 provides for disadvantaged school districts and local control.

(6) Academic goals cannot be achieved without 21st Century school facilities designed to provide improved school technology and teaching facilities.

(f) Therefore, the people enact the Kindergarten Through Community College Public Facilities Bond Act of 2016 to provide a comprehensive and fiscally responsible approach for addressing the school facility needs for all Californians.

Section 2. Section 17070.41 is added to Article 1 of Chapter 12.5 of Part 10 of Division 1 of Title 1 of the Education Code, to read as follows:

#### 17070.41. Creation of 2016 State School Facilities Fund

(a) A fund is hereby established in the State Treasury, to be known as the 2016 State School Facilities Fund. All money in the fund, including any money deposited in that fund from any source whatsoever, and notwithstanding Section 13340 of the Government Code, is hereby continuously appropriated without regard to fiscal years for expenditure pursuant to this chapter.

(b) The board may apportion funds to school districts for the purposes of this chapter, as it read on January 1, 2015, from funds transferred to the 2016 State School Facilities Fund from any source.

(c) The board may make apportionments in amounts not exceeding those funds on deposit in the 2016 State School Facilities Fund, and any amount of bonds authorized by the committee, but not yet sold by the Treasurer.

(d) The board may make disbursements pursuant to any apportionment made from any funds in the 2016 State School Facilities Fund, irrespective of whether there exists at the time of the disbursement an amount in the 2016 State School Facilities Fund sufficient to permit payment in full of all apportionments previously made. However, no disbursement shall be made from any funds required by law to be transferred to the General Fund.

Section 3. Part 70 (commencing with Section 101110) is added to Division 14 of Title 3 of the Education Code, to read as follows:

PART 70. KINDERGARTEN THROUGH COMMUNITY COLLEGE PUBLIC EDUCATION  
FACILITIES BOND ACT OF 2016

Chapter 1. General

101110. This part shall be known and may be cited as the Kindergarten Through Community College Public Education Facilities Bond Act of 2016.

101112. Bonds in the total amount of nine billion dollars (\$9,000,000,000), not including the amount of any refunding bonds issued in accordance with Sections 101140 and 101149, or so much thereof as is necessary, may be issued and sold for the purposes set forth in Sections 101130 and 101144. The bonds, when sold, shall be and constitute a valid and binding obligation of the State of California, and the full faith and credit of the State of California is hereby pledged for the punctual payment of the principal of, and interest on, the bonds as the principal and interest become due and payable.

Chapter 2. Kindergarten Through 12th Grade

Article 1. Kindergarten Through 12th Grade School Facilities Program  
Provisions

101120. The proceeds of bonds issued and sold pursuant to this chapter shall be deposited in the 2016 State School Facilities Fund established in the State Treasury under Section 17070.41 and shall be allocated by the State Allocation Board pursuant to this chapter.

101121. All moneys deposited in the 2016 State School Facilities Fund for the purposes of this chapter shall be available to provide aid to school districts, county superintendents of schools, and county boards of education of the state in accordance with the Leroy F. Greene School Facilities Act of 1998 (Chapter 12.5 (commencing with Section 17070.10) of Part 10 of Division 1 of Title 1), as it read on January 1, 2015, as set forth in Section 101122, to provide funds to repay any money advanced or loaned to the 2016 State School Facilities Fund under any act of the Legislature, together with interest provided for in that act, and to reimburse the General Obligation Bond Expense Revolving Fund pursuant to Section 16724.5 of the Government Code.

101122. (a) The proceeds from the sale of bonds, issued and sold for the purposes of this chapter, shall be allocated in accordance with the following schedule:

(1) The amount of three billion dollars (\$3,000,000,000) for new construction of school facilities of applicant school districts pursuant to Chapter 12.5 (commencing with Section 17070.10) of Part 10 of Division 1 of Title 1.

(2) The amount of five hundred million dollars (\$500,000,000) shall be available for providing school facilities to charter schools pursuant to Article 12 (commencing with Section 17078.52) of Chapter 12.5 of Part 10 of Division 1 of Title 1.

(3) The amount of three billion dollars (\$3,000,000,000) for the modernization of school facilities pursuant to Chapter 12.5 (commencing with Section 17070.10) of Part 10 of Division 1 of Title 1.

(4) The amount of five hundred million dollars (\$500,000,000) for facilities for career technical education programs pursuant to Article 13 (commencing with Section 17078.70) of Chapter 12.5 of Part 10 of Division 1 of Title 1.

(b) School districts may use funds allocated pursuant to paragraph (3) of subdivision (a) only for one or more of the following purposes in accordance with Chapter 12.5 (commencing with Section 17070.10) of Part 10 of Division 1 of Title 1:

(1) The purchase and installation of air-conditioning equipment and insulation materials, and related costs.

(2) Construction projects or the purchase of furniture or equipment designed to increase school security or playground safety.

(3) The identification, assessment, or abatement in school facilities of hazardous asbestos.

(4) Project funding for high-priority roof replacement projects.

(5) Any other modernization of facilities pursuant to Chapter 12.5 (commencing with Section 17070.10) of Part 10 of Division 1 of Title 1.

(c) Funds allocated pursuant to paragraph (1) of subdivision (a) may also be utilized to provide new construction grants for eligible applicant county boards of education under Chapter 12.5 (commencing with Section 17070.10) of Part 10 of Division 1 of Title 1 for funding classrooms for severely handicapped pupils, or for funding classrooms for county community school pupils.

(d) Chapter 4.9 of Division 1 of Title 7 of the Government Code (commencing with section 65995), as those provisions read on January 1, 2015, shall be in effect until the full amount of bonds authorized for new school facility construction pursuant to subdivision

(a)(1) have been expended, or December 31, 2020, whichever is sooner. Thereafter, Chapter 4.9 of Division 1 of Title 7 of the Government Code may be amended pursuant to law.

## Article 2. Kindergarten Through 12th Grade School Facilities Fiscal Provisions

101130. (a) Of the total amount of bonds authorized to be issued and sold pursuant to Chapter 1 (commencing with Section 101110), bonds in the amount of seven billion (\$7,000,000,000) not including the amount of any refunding bonds issued in accordance with Section 101140, or so much thereof as is necessary, may be issued and sold to provide a fund to be used for carrying out the purposes expressed in this chapter and to reimburse the General Obligation Bond Expense Revolving Fund pursuant to Section 16724.5 of the Government Code.

(b) Pursuant to this section, the Treasurer shall sell the bonds authorized by the State School Building Finance Committee established pursuant to Section 15909 at any different times necessary to service expenditures required by the apportionments.

101131. The State School Building Finance Committee, established by Section 15909 and composed of the Governor, the Controller, the Treasurer, the Director of Finance, and the Superintendent, or their designated representatives, all of whom shall serve thereon without compensation, and a majority of whom shall constitute a quorum, is continued in existence for the purpose of this chapter. The Treasurer shall serve as chairperson of the committee. Two Members of the Senate appointed by the Senate Committee on Rules, and two Members of the Assembly appointed by the Speaker of the Assembly, shall meet with and provide advice to the committee to the extent that the advisory participation is not incompatible with their respective positions as Members of the Legislature. For the purposes of this chapter, the Members of the Legislature shall constitute an interim investigating committee on the subject of this chapter and, as that committee, shall have the powers granted to, and duties imposed upon, those committees by the Joint Rules of the Senate and the Assembly. The Director of Finance shall provide assistance to the committee as it may require. The Attorney General of the state is the legal adviser of the committee.

101132. (a) The bonds authorized by this chapter shall be prepared, executed, issued, sold, paid, and redeemed as provided in the State General Obligation Bond Law (Chapter 4 (commencing with Section 16720) of Part 3 of Division 4 of Title 2 of the Government Code), and all acts amendatory thereof and supplementary thereto, are hereby incorporated into this chapter as though set forth in full within this chapter, except subdivisions (a) and (b) of section 16727 of the Government Code shall not apply to the bonds authorized by this chapter.

(b) For purposes of the State General Obligation Bond Law, the State Allocation Board is designated the “board” for purposes of administering the 2016 State School Facilities Fund.

101133. (a) Upon request of the State Allocation Board, the State School Building Finance Committee shall determine whether or not it is necessary or desirable to issue bonds authorized pursuant to this chapter in order to fund the related apportionments and, if so, the amount of bonds to be issued and sold. Successive issues of bonds may be authorized and sold to fund those apportionments progressively, and it is not necessary that all of the bonds authorized to be issued be sold at any one time.

(b) A request of the State Allocation Board pursuant to subdivision (a) shall be supported by a statement of the apportionments made and to be made for the purposes described in Sections 101121 and 101122.

101134. There shall be collected each year and in the same manner and at the same time as other state revenue is collected, in addition to the ordinary revenues of the state, a sum in an amount required to pay the principal of, and interest on, the bonds each year. It is the duty of all officers charged by law with any duty in regard to the collection of the revenue to do and perform each and every act that is necessary to collect that additional sum.

101135. Notwithstanding Section 13340 of the Government Code, there is hereby appropriated from the General Fund in the State Treasury, for the purposes of this chapter, an amount that will equal the total of the following:

(a) The sum annually necessary to pay the principal of, and interest on, bonds issued and sold pursuant to this chapter, as the principal and interest become due and payable.

(b) The sum necessary to carry out Section 101138, appropriated without regard to fiscal years.

101136. The State Allocation Board may request the Pooled Money Investment Board to make a loan from the Pooled Money Investment Account or any other approved form of interim financing, in accordance with Section 16312 of the Government Code, for the purpose of carrying out this chapter. The amount of the request shall not exceed the amount of the unsold bonds (exclusive of refunding bonds) that the committee, by resolution, has authorized to be sold for the purpose of carrying out this chapter. The board shall execute any documents required by the Pooled Money Investment Board to obtain and repay the loan. Any amounts loaned shall be deposited in the fund to be allocated by the board in accordance with this chapter.

101137. Notwithstanding any other provision of this chapter, or of the State General Obligation Bond Law, if the Treasurer sells bonds pursuant to this chapter that include a bond counsel opinion to the effect that the interest on the bonds is excluded from gross income for federal tax purposes, subject to designated conditions, the Treasurer may maintain separate accounts for the investment of bond proceeds and for the investment earnings on those proceeds. The Treasurer may use or direct the use of those proceeds or earnings to pay any rebate, penalty, or other payment required under federal law or take any other action with respect to the investment and use of those bond proceeds required or desirable under federal law to maintain the tax-exempt status of those bonds and to obtain any other advantage under federal law on behalf of the funds of this state.

101138. For the purposes of carrying out this chapter, the Director of Finance may authorize the withdrawal from the General Fund of an amount not to exceed the amount of the unsold bonds (exclusive of refunding bonds) that have been authorized by the State School Building Finance Committee to be sold for the purpose of carrying out this chapter. Any amounts withdrawn shall be deposited in the 2016 State School Facilities Fund consistent with this chapter. Any money made available under this section shall be returned to the General Fund, plus an amount equal to the interest that the money would have earned in the Pooled Money Investment Account, from proceeds received from the sale of bonds for the purpose of carrying out this chapter.

101139. All money deposited in the 2016 State School Facilities Fund, that is derived from premium and accrued interest on bonds sold shall be reserved in the fund and shall be available for transfer to the General Fund as a credit to expenditures for bond interest,



except that amounts derived from premium may be reserved and used to pay the cost of the bond issuance prior to any transfer to the General Fund.

101140. The bonds issued and sold pursuant to this chapter may be refunded in accordance with Article 6 (commencing with Section 16780) of Chapter 4 of Part 3 of Division 4 of Title 2 of the Government Code, which is a part of the State General Obligation Bond Law. Approval by the voters of the state for the issuance of the bonds described in this chapter includes the approval of the issuance of any bonds issued to refund any bonds originally issued under this chapter or any previously issued refunding bonds. Any bond refunded with the proceeds of refunding bonds as authorized by this section may be legally defeased to the extent permitted by law in the manner and to the extent set forth in the resolution, as amended from time to time, authorizing such refunded bond.

101141. The people hereby find and declare that, inasmuch as the proceeds from the sale of bonds authorized by this chapter are not “proceeds of taxes” as that term is used in Article XIII B of the California Constitution, the disbursement of these proceeds is not subject to the limitations imposed by that article.

### Chapter 3. California Community College Facilities

#### Article 1. General

101142. (a) The 2016 California Community College Capital Outlay Bond Fund is hereby established in the State Treasury for deposit of funds from the proceeds of bonds issued and sold for the purposes of this chapter.

(b) The Higher Education Facilities Finance Committee established pursuant to Section 67353 is hereby authorized to create a debt or debts, liability or liabilities, of the State of California pursuant to this chapter for the purpose of providing funds to aid the California Community Colleges.

#### Article 2. California Community College Program Provisions

101143. (a) From the proceeds of bonds issued and sold pursuant to Article 3 (commencing with Section 101144), the sum of two billion dollars (\$2,000,000,000) shall be deposited in the 2016 California Community College Capital Outlay Bond Fund for the purposes of this article. When appropriated, these funds shall be available for expenditure for the purposes of this article.

(b) The purposes of this article include assisting in meeting the capital outlay financing needs of the California Community Colleges.

(c) Proceeds from the sale of bonds issued and sold for the purposes of this article may be used to fund construction on existing campuses, including the construction of buildings and the acquisition of related fixtures, construction of facilities that may be used by more than one segment of public higher education (intersegmental), the renovation and reconstruction of facilities, site acquisition, the equipping of new, renovated, or reconstructed facilities, which equipment shall have an average useful life of 10 years; and to provide funds for the payment of preconstruction costs, including, but not limited to, preliminary plans and working drawings for facilities of the California Community Colleges.

### Article 3. California Community College Fiscal Provisions

101144. (a) Of the total amount of bonds authorized to be issued and sold pursuant to Chapter 1 (commencing with Section 101110), bonds in the total amount of two billion dollars (\$2,000,000,000), not including the amount of any refunding bonds issued in accordance with Section 101149, or so much thereof as is necessary, may be issued and sold to provide a fund to be used for carrying out the purposes expressed in this chapter and to reimburse the General Obligation Bond Expense Revolving Fund pursuant to Section 16724.5 of the Government Code.

(b) Pursuant to this section, the Treasurer shall sell the bonds authorized by the Higher Education Facilities Finance Committee established pursuant to Section 67353 at any different times necessary to service expenditures required by the apportionments.

101144.5. (a) The bonds authorized by this chapter shall be prepared, executed, issued, sold, paid, and redeemed as provided in the State General Obligation Bond Law (Chapter 4 (commencing with Section 16720) of Part 3 of Division 4 of Title 2 of the Government Code), and all acts amendatory thereof and supplementary thereto, are hereby

incorporated into this chapter as though set forth in full within this chapter, except subdivisions (a) and (b) of Section 16727 of the Government Code shall not apply to the bonds authorized by this chapter.

(b) For the purposes of the State General Obligation Bond Law, each state agency administering an appropriation of the 2016 Community College Capital Outlay Bond Fund is designated as the “board” for projects funded pursuant to this chapter.

(c) The proceeds of the bonds issued and sold pursuant to this chapter shall be available for the purpose of funding aid to the California Community Colleges for the construction on existing or new campuses, and their respective off-campus centers and joint use and intersegmental facilities, as set forth in this chapter.

101145. The Higher Education Facilities Finance Committee established pursuant to Section 67353 shall authorize the issuance of bonds under this chapter only to the extent necessary to fund the related apportionments for the purposes described in this chapter that are expressly authorized by the Legislature in the annual Budget Act.

Pursuant to that legislative direction, the committee shall determine whether or not it is necessary or desirable to issue bonds authorized pursuant to this chapter in order to carry out the purposes described in this chapter and, if so, the amount of bonds to be issued and sold. Successive issues of bonds may be authorized and sold to carry out those actions progressively, and it is not necessary that all of the bonds authorized to be issued be sold at any one time.

101145.5. There shall be collected each year and in the same manner and at the same time as other state revenue is collected, in addition to the ordinary revenues of the state, a sum in an amount required to pay the principal of, and interest on, the bonds each year. It is the duty of all officers charged by law with any duty in regard to the collection of the revenue to do and perform each and every act which is necessary to collect that additional sum.

101146. Notwithstanding Section 13340 of the Government Code, there is hereby appropriated from the General Fund in the State Treasury, for the purposes of this chapter, an amount that will equal the total of the following:

(a) The sum annually necessary to pay the principal of, and interest on, bonds issued and

sold pursuant to this chapter, as the principal and interest become due and payable.

(b) The sum necessary to carry out Section 101147.5, appropriated without regard to fiscal years.

101146.5. The board, as defined in subdivision (b) of Section 101144.5, may request the Pooled Money Investment Board to make a loan from the Pooled Money Investment Account or any other approved form of interim financing, in accordance with Section 16312 of the Government Code, for the purpose of carrying out this chapter. The amount of the request shall not exceed the amount of the unsold bonds (exclusive of refunding bonds) that the committee, by resolution, has authorized to be sold for the purpose of carrying out this chapter. The board, as defined in subdivision (b) of Section 101144.5, shall execute any documents required by the Pooled Money Investment Board to obtain and repay the loan. Any amounts loaned shall be deposited in the fund to be allocated by the board in accordance with this chapter.

101147. Notwithstanding any other provision of this chapter, or of the State General Obligation Bond Law, if the Treasurer sells bonds pursuant to this chapter that include a bond counsel opinion to the effect that the interest on the bonds is excluded from gross income for federal tax purposes, subject to designated conditions, the Treasurer may maintain separate accounts for the investment of bond proceeds and for the investment earnings on those proceeds. The Treasurer may use or direct the use of those proceeds or earnings to pay any rebate, penalty, or other payment required under federal law or take any other action with respect to the investment and use of those bond proceeds required or desirable under federal law to maintain the tax-exempt status of those bonds and to obtain any other advantage under federal law on behalf of the funds of this state.

101147.5. (a) For the purposes of carrying out this chapter, the Director of Finance may authorize the withdrawal from the General Fund of an amount not to exceed the amount of the unsold bonds (exclusive of refunding bonds) that have been authorized by the Higher Education Facilities Finance Committee to be sold for the purpose of carrying out this chapter. Any amounts withdrawn shall be deposited in the 2016 California Community College Capital Outlay Bond Fund consistent with this chapter. Any money made available under this section shall be returned to the General Fund, plus an amount equal to the interest that the money would have earned in the Pooled Money Investment

Account, from proceeds received from the sale of bonds for the purpose of carrying out this chapter.

(b) Any request forwarded to the Legislature and the Department of Finance for funds from this bond issue for expenditure for the purposes described in this chapter by the California Community Colleges shall be accompanied by the five-year capital outlay plan that reflects the needs and priorities of the community college system and is prioritized on a statewide basis. Requests shall include a schedule that prioritizes the seismic retrofitting needed to significantly reduce, in the judgment of the particular college, seismic hazards in buildings identified as high priority by the college.

101148. All money deposited in the 2016 California Community College Capital Outlay Bond Fund that is derived from premium and accrued interest on bonds sold shall be reserved in the fund and shall be available for transfer to the General Fund as a credit to expenditures for bond interest, except that amounts derived from premium may be reserved and used to pay the cost of the bond issuance prior to any transfer to the General Fund.

101149. The bonds issued and sold pursuant to this chapter may be refunded in accordance with Article 6 (commencing with Section 16780) of Chapter 4 of Part 3 of Division 4 of Title 2 of the Government Code, which is a part of the State General Obligation Bond Law. Approval by the voters of the state for the issuance of the bonds described in this chapter includes the approval of the issuance of any bonds issued to refund any bonds originally issued under this chapter or any previously issued refunding bonds. Any bond refunded with the proceeds of refunding bonds as authorized by this section may be legally defeased to the extent permitted by law in the manner and to the extent set forth in the resolution, as amended from time to time, authorizing such refunded bond.

101149.5. The people hereby find and declare that, inasmuch as the proceeds from the sale of bonds authorized by this chapter are not “proceeds of taxes” as that term is used in Article XIII B of the California Constitution, the disbursement of these proceeds is not subject to the limitations imposed by that article.

#### Section 4. General Provisions

(a) If any provision of this Act, or part thereof, is for any reason held to be invalid or unconstitutional, the remaining provisions shall not be affected, but shall remain in full force and effect, and to this end the provisions of this Act are severable.

(b) This Act is intended to be comprehensive. It is the intent of the People that in the event this Act or measures relating to the same subject shall appear on the same statewide election ballot, the provisions of the other measure or measures shall be deemed to be in conflict with this Act. In the event that this Act receives a greater number of affirmative votes, the provisions of this Act shall prevail in their entirety, and all provisions of the other measure or measures shall be null and void.

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# Gov. Jerry Brown opposes \$9-billion school bond measure



Gov. Jerry Brown said Thursday that he was opposed to a proposed \$9-billion school bond measure, saying it "squanders money that would be far better spent in low-income communities." (Brian van der Brug / Los Angeles Times)



By **Melanie Mason** · Contact Reporter

FEBRUARY 12, 2016, 12:05 AM | REPORTING FROM SACRAMENTO

**G**ov. Jerry Brown on Thursday came out against a \$9-billion school bond measure that will go before voters in November, erecting a political hurdle for advocates of new spending on school construction.

"I am against the developers' \$9-billion bond," Brown said in a statement to The Times. "It's a blunderbuss effort that promotes sprawl and squanders money that would be far better spent in low-income communities."



Brown has hinted in the past at his displeasure with the ballot proposal.

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When he unveiled his budget plan last month, the governor said the bond measure would not change the state program that determines how school facilities are built and maintained. That process prioritizes districts that submit early applications for projects — which Brown said favors affluent districts over cash-strapped ones.

"The Legislature could do a better job than the developers who put that one together," Brown said at the time.

But lawmakers' efforts to craft a smaller bond have stagnated.

Representatives for Senate leader Kevin de León (D-Los Angeles) and Assembly Speaker Toni Atkins (D-San Diego) confirmed that legislators will not be voting on an alternative measure in time to meet state election deadlines for the June primary ballot.

Outright opposition from Brown could prove politically damaging for the larger proposal. The governor notches high marks from Californians: 60% of registered voters approve of his job performance, according to a January poll by the Public Policy Institute of California.

But the \$9-billion bond has racked up its own cadre of influential supporters, including the California Chamber of Commerce, the State Building and Construction Trades Council of California and Tom Torlakson, the superintendent of public instruction. Nearly a dozen legislators also have endorsed the measure.

Under the proposal sponsored by the Coalition for Adequate School Housing, a group promoting new construction, and the California Building Industry Assn., most of the money would go toward building and upgrading K-12 facilities.

The proposal includes \$2 billion for community college projects.

"California is facing at least \$20 billion in projected school facilities needs over the next decade, and we have sponsored this bond to make sure school districts can continue to partner with the state to create quality learning environments for all students," David Walrath of the Coalition for Adequate School Housing said in a statement.

"Our measure will continue this important school bond program that has been supported by the past

three governors, and which our supporters — including the business community, school districts, elected officials from both sides of the aisle and labor — all agree is needed to ensure California's students have modern and safe classrooms," he said.

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A version of this article appeared in print on February 12, 2016, in the News section of the Los Angeles Times with the headline "Brown opposes school bond effort - The \$9-billion ballot proposal 'squanders money' that could be spent in low-income communities, he says." — Today's paper | [Subscribe](#)

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# Contra Costa County Board of Supervisors

## Subcommittee Report

### **TRANSPORTATION, WATER & INFRASTRUCTURE COMMITTEE**

7.

**Meeting Date:** 05/12/2016

**Subject:** COMMUNICATION/News Clipping Items regarding Stormwater Initiative.

**Submitted For:** TRANSPORTATION, WATER & INFRASTRUCTURE COMMITTEE,

**Department:** Conservation & Development

**Referral No.:** 1,5 and 6

**Referral Name:** 1. Review legislative matters on TWIC, 5. Review issues associated with health of SF Bay & Delta., 6. Review issues associated with County flood control facilities..

**Presenter:** N/A

**Contact:** John Cunningham  
(925)674-7833

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### **Referral History:**

Communication items are added to the TWIC agenda on an as-needed basis.

### **Referral Update:**

See attached communication.

### **Recommendation(s)/Next Step(s):**

RECEIVE communication and DIRECT staff as appropriate.

### **Fiscal Impact (if any):**

N/A

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### **Attachments**

Status of Stormwater Initiative Email - Mitch Avalon

April 2016 Status of Stormwater Initiative

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**From:** Mitch Avalon

**Sent:** Monday, April 25, 2016 4:19 PM

**Subject:** Status of the Stormwater Initiative

City, County Engineers,

Attached is an update on the Stormwater Initiative. As you recall, the Stormwater Initiative was a ballot measure that would provide the opportunity for sustainable funding of flood control and stormwater services. The short story is the ballot measure will not be pursued for this November 2016 election. This temporary setback doesn't mean we're giving up. On the contrary, we all need to continue our efforts to communicate our need for sustainable funding to the public and elected officials in preparation of the next opportunity to place the ballot measure in an election.

Let me know if you have any questions.

Thanks,

Mitch Avalon, Consultant  
County Engineers Association of California  
255 Glacier Drive, Martinez, CA, 94553  
925-313-2203  
[mitch.avalon@pw.cccounty.us](mailto:mitch.avalon@pw.cccounty.us)

# Stormwater Initiative

April, 2016 Status

On December 14, 2015, the California State Association of Counties (CSAC), the League of California Cities (the League) and the Association of California Water Agencies (ACWA) filed a proposed Constitutional amendment with the Attorney General (AG), titled “The California Water Conservation, Flood Control and Stormwater Management Act of 2016”. The proposed ballot measure would have amended Article X of the California Constitution to create a new, optional funding method that local agencies could use to fund local stormwater services and flood control projects, and establish conservation-based water rates or lifeline rates to assist low-income customers. The proposal ensured that any local agency that utilized the optional funding method would be required to adhere to strict accountability, transparency and ratepayer protections.

The Title and Summary, issued by the AG on February 18, 2016, can be found on the AG website as Initiative 15-116. This is the language that would be printed on the ballot for a statewide election. While the wording is very close to what was filed with the AG, the first sentence was viewed as potentially detrimental to passing the ballot measure. It describes the optional funding procedure as one that allows local government to impose fees “without voter approval.” The League, CSAC, and ACWA conducted follow-up polling on the Title and Summary to obtain a more thorough picture of voter sentiment. The polling results showed the Title and Summary would fail to get majority support and opposition exceeded support. In addition, while strong support was expressed for rate payer protections and conservation pricing provisions, the phrase “without voter approval” overshadowed these positively viewed elements. The polling results also demonstrated that any funded opposition would have a strong influence on voters’ reaction to the ballot measure.

On a more positive note, the polling results showed that voters believe local governments need additional funds to address stormwater and water-related issues. Voter support was also expressed for many of the ballot measure’s objectives – to protect water quality, upgrade aging infrastructure, increase conservation and implement lifeline pricing.

The polling consultant concluded that passing the current ballot measure would be exceedingly difficult even with a superior funding advantage. As a result, CSAC, the League, and ACWA decided to not move forward with the proposed ballot measure in 2016. However, everyone agrees there is a great need for the ballot measure, as the need for sustainable funding for stormwater services and the need for conservation is going to continue to grow. Between now and the next opportunity to place the ballot measure on a ballot, we all must do what we can to inform the public and elected officials why this is important.

CSAC, the League, and ACWA will continue the dialogue with each other, the larger coalition that had been working on the ballot measure, and their respective members regarding other viable options and strategies that build on positive elements of the polling and prepare ourselves for the next opportunity to pass the ballot measure.

For more information please contact Karen Keene, California State Association of Counties at 916-327-7500 (ext. 511), or Mitch Avalon, County Engineers Association of California at 925-313-2203, or go to the project website at [www.cccounty.us/stormwaterinitiative](http://www.cccounty.us/stormwaterinitiative).