

Napa Valley Transportation Authority

625 Burnell Street
Napa, CA 94559



Agenda - Final

Wednesday, January 17, 2024
1:30 PM

JoAnn Busenbark Board Room

NVTA Board of Directors - Tax Agency (NVTA-TA)

All materials relating to an agenda item for an open session of a regular meeting of the NVTA-Tax Agency Board of Directors are posted on the NVTA website at: <https://nctpa.legistar.com/Calendar.aspx>

This meeting will be conducted as an in-person meeting at the location noted above. Remote teleconference access is provided for the public's convenience and in the event a Board Member requests remote participation due to just cause or emergency circumstances pursuant to Government Code section 54953(f). Please be advised that if a Board Member is not participating in the meeting remotely, remote participation for members of the public is provided for convenience only and in the event that the Zoom teleconference connection malfunctions for any reason, the Board of Directors reserves the right to conduct the meeting without remote access and take action on any agenda item.

The public may participate telephonically or electronically via the methods below:

- 1) To join the meeting via Zoom video conference from your PC, Mac, iPad, iPhone or Android: go to <https://zoom.us/join> and enter meeting ID 864 1754 4351
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The agenda will be posted 72 hours prior to the meeting and will be available for public inspection, on and after at the time of such distribution, in the office of the Secretary of the NVTA-TA Board of Directors, 625 Burnell Street, Napa, California 94559, Monday through Friday, between the hours of 8:00 a.m. and 4:30 p.m., except for NVTA holidays. Should the office be closed or staff is working remotely due to a declared emergency, you may email info@nvta.ca.gov to request a copy of the agenda.

Public records related to an agenda item that are distributed less than 72 hours before this meeting are available for public inspection during normal business hours at the NVTA office at 625 Burnell Street, Napa, CA 94559 and will be made available to the public on the NVTA website at nvta.ca.gov. Availability of materials related to agenda items for public inspection does not include materials which are exempt from public disclosure under Government Code sections 6253.5, 6254, 6254.3, 6254.7, 6254.15, 6254.16, or 6254.22.

Members of the public may comment on matters within the subject matter of the Board's jurisdiction, that are not on the meeting agenda during the general Public Comment item at the beginning of the meeting. Comments related to a specific item on the agenda must be reserved until the time the agenda item is considered and the Chair invites public comment. While members of the public are welcome to address the Board, under the Brown Act, Board members may not deliberate or take action on items not on the agenda, and generally may only listen.

Members of the public may submit a public comment in writing by emailing info@nvta.ca.gov by 10:00 a.m. on the day of the meeting with PUBLIC COMMENT as the subject line (for comments related to an agenda item, please include the item number). All written comments should be 350 words or less, which corresponds to approximately 3 minutes or less of speaking time. Public comments emailed to info@nvta.ca.gov after 10 a.m. the day of the meeting will be entered into the record but not read out loud. If authors of the written correspondence would like to speak, they are free to do so and should raise their hand and the Chair will call upon them at the appropriate time.

1. To comment during a Zoom meeting, click the "Raise Your Hand" button (click on the "Participants" tab) to request to speak when Public Comment is being taken on the Agenda item. You must unmute yourself when it is your turn to make your comment for up to 3 minutes. After the allotted time, you will then be re-muted. Instructions for how to "Raise Your Hand" are available at <https://support.zoom.us/hc/en-us/articles/205566129-Raise-Hand-In-Webinar>.

2. To comment by phone, press "*9" to request to speak when Public Comment is being taken on the Agenda item. You must unmute yourself by pressing "*6" when it is your turn to make your comment, for up to 3 minutes. After the allotted time, you will be re-muted.

The methods of observing, listening, or providing public comment to the meeting may be altered due to technical difficulties or the meeting may be cancelled, if needed.

Note: Where times are indicated for agenda items, they are approximate and intended as estimates only, and may be shorter or longer as needed.

Information on obtaining the agenda in an alternate format is noted below:

Americans with Disabilities Act (ADA): This Agenda shall be made available upon request in alternate formats to persons with a disability. Persons requesting a disability-related modification or accommodation should contact Laura Sanderlin, NVTA-TA Board Secretary, at (707) 259-8633 during regular business hours, at least 48 hours prior to the time of the meeting.

Acceso y el Titulo VI: La NVTA puede proveer asistencia/facilitar la comunicaci3n a las personas discapacitadas y los individuos con conocimiento limitado del ingl3s quienes quieran dirigirse a la Autoridad. Para solicitar asistencia, por favor llame al n3mero (707) 259-8633. Requerimos que solicite asistencia con tres d3as h3biles de anticipaci3n para poderle proveer asistencia.

Ang Accessibility at Title VI: Ang NVTA ay nagkakaloob ng mga serbisyo/akomodasyon kung hilingin ang mga ito, ng mga taong may kapansanan at mga indibiduwal na may limitadong kaalaman sa wikang Ingles, na nais na matugunan ang mga bagay-bagay na may kinalaman sa NVTA-TA Board. Para sa mga tulong sa akomodasyon o pagsasalin-wika, mangyari lang tumawag sa (707) 259-8633. Kakailanganin namin ng paunang abiso na tatlong araw na may pasok sa trabaho para matugunan ang inyong kahilingan.

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Adoption of the Agenda
5. Public Comment
6. Chairperson's and Board Members' Update
7. Executive Director's Update

Note: Where times are indicated for the agenda items, they are approximate and intended as estimates only and may be shorter or longer as needed.

8. CONSENT AGENDA ITEMS

- 8.1 **Meeting Minutes of November 15, 2023 (Laura Sanderlin) (Pages 5-6)**

Recommendation: Board action will approve the meeting minutes of November 15, 2023.

Estimated Time: 1:35 p.m.

Attachments: [Draft Minutes](#)

9. REGULAR AGENDA ITEMS

- 9.1 **Sales Tax Replacement Measure Review of Draft Ordinance and Release of the Expenditure Plan (Danielle Schmitz) (Pages 7-34)**

Recommendation: That the Napa Valley Transportation Authority - Tax Agency (NVTA-TA) Board review the Draft Sales Tax Replacement Measure Ordinance and release the Expenditure Plan to the Cities of American Canyon, Napa, St. Helena, Calistoga, Town of Yountville and County of Napa for circulation and approval.

Estimated Time: 1:40 p.m.

Attachments: [Staff Report](#)

10. FUTURE AGENDA ITEMS

11. ADJOURNMENT

11.1 The next Regular Meeting is February 21, 2024.

I hereby certify that the agenda for the above stated meeting was posted at a location freely accessible to members of the public at the NVTA Offices, 625 Burnell Street, Napa, CA by 5:00 p.m. by Friday, January 12th.

Laura Sanderlin

Laura M. Sanderlin, NVTA-TA Board Secretary

Glossary of Acronyms

AB 32	Global Warming Solutions Act	FAS	Federal Aid Secondary
ABAG	Association of Bay Area Governments	FAST	Fixing America's Surface Transportation Act
ACFR	Annual Comprehensive Financial Report	FHWA	Federal Highway Administration
ADA	American with Disabilities Act	FTA	Federal Transit Administration
APA	American Planning Association	FY	Fiscal Year
ATAC	Active Transportation Advisory Committee	GHG	Greenhouse Gas
ATP	Active Transportation Program	GGRF	Greenhouse Gas Reduction Fund
BAAQMD	Bay Area Air Quality Management District	GTFS	General Transit Feed Specification
BAB	Build America Bureau	HBP	Highway Bridge Program
BART	Bay Area Rapid Transit District	HBRR	Highway Bridge Replacement and Rehabilitation Program
BATA	Bay Area Toll Authority	HIP	Housing Incentive Program
BIL	Bipartisan Infrastructure Law (IIJA)	HOT	High Occupancy Toll
BRT	Bus Rapid Transit	HOV	High Occupancy Vehicle
CAC	Citizen Advisory Committee	HR3	High Risk Rural Roads
CAP	Climate Action Plan	HSIP	Highway Safety Improvement Program
CAPTI	Climate Action Plan for Transportation Infrastructure	HTF	Highway Trust Fund
Caltrans	California Department of Transportation	HUTA	Highway Users Tax Account
CASA	Committee to House the Bay Area	HVIP	Hybrid & Zero-Emission Truck and Bus Voucher Incentive Program
CBTP	Community Based Transportation Plan	IFB	Invitation for Bid
CEQA	California Environmental Quality Act	ITIP	State Interregional Transportation Improvement Program
CIP	Capital Investment Program	ITOC	Independent Taxpayer Oversight Committee
CMA	Congestion Management Agency	IS/MND	Initial Study/Mitigated Negative Declaration
CMAQ	Congestion Mitigation and Air Quality Improvement Program	JARC	Job Access and Reverse Commute
CMP	Congestion Management Program	LCTOP	Low Carbon Transit Operations Program
CalSTA	California State Transportation Agency	LIFT	Low-Income Flexible Transportation
CTA	California Transit Association	LOS	Level of Service
CTP	Countywide Transportation Plan	LS&R	Local Streets & Roads
CTC	California Transportation Commission	LTF	Local Transportation Fund
CY	Calendar Year	MaaS	Mobility as a Service
DAA	Design Alternative Analyst	MAP 21	Moving Ahead for Progress in the 21 st Century Act
DBB	Design-Bid-Build	MPO	Metropolitan Planning Organization
DBE	Disadvantaged Business Enterprise	MTC	Metropolitan Transportation Commission
DBF	Design-Build-Finance	MTS	Metropolitan Transportation System
DBFOM	Design-Build-Finance-Operate-Maintain	ND	Negative Declaration
DED	Draft Environmental Document	NEPA	National Environmental Policy Act
EIR	Environmental Impact Report	NOAH	Natural Occurring Affordable Housing
EJ	Environmental Justice	NOC	Notice of Completion
EPC	Equity Priority Communities	NOD	Notice of Determination
ETID	Electronic Transit Information Displays		

Glossary of Acronyms

NOP	Notice of Preparation	SHA	State Highway Account
NVTA	Napa Valley Transportation Authority	SHOPP	State Highway Operation and Protection Program
NVTA-TA	Napa Valley Transportation Authority-Tax Agency	SNTDM	Solano Napa Travel Demand Model
OBAG	One Bay Area Grant	SR	State Route
PA&ED	Project Approval Environmental Document	SRTS	Safe Routes to School
P3 or PPP	Public-Private Partnership	SOV	Single-Occupant Vehicle
PCC	Paratransit Coordination Council	STA	State Transit Assistance
PCI	Pavement Condition Index	STIC	Small Transit Intensive Cities
PCA	Priority Conservation Area	STIP	State Transportation Improvement Program
PDA	Priority Development Areas	STP	Surface Transportation Program
PID	Project Initiation Document	TAC	Technical Advisory Committee
PIR	Project Initiation Report	TCM	Transportation Control Measure
PMS	Pavement Management System	TCRP	Traffic Congestion Relief Program
Prop. 42	Statewide Initiative that requires a portion of gasoline sales tax revenues be designated to transportation purposes	TDA	Transportation Development Act
PSE	Plans, Specifications and Estimates	TDM	Transportation Demand Management Transportation Demand Model
PSR	Project Study Report	TE	Transportation Enhancement
PTA	Public Transportation Account	TEA	Transportation Enhancement Activities
RACC	Regional Agency Coordinating Committee	TEA 21	Transportation Equity Act for the 21 st Century
RAISE	Rebuilding American Infrastructure with Sustainability and Equity	TFCA	Transportation Fund for Clean Air
RFP	Request for Proposal	TIP	Transportation Improvement Program
RFQ	Request for Qualifications	TIFIA	Transportation Infrastructure Finance and Innovation Act
RHNA	Regional Housing Needs Allocation	TIRCP	Transit and Intercity Rail Capital Program
RM 2	Regional Measure 2 Bridge Toll	TLC	Transportation for Livable Communities
RM 3	Regional Measure 3 Bridge Toll	TLU	Transportation and Land Use
RMRP	Road Maintenance and Rehabilitation Program	TMP	Traffic Management Plan
ROW (R/W)	Right of Way	TMS	Transportation Management System
RTEP	Regional Transit Expansion Program	TNC	Transportation Network Companies
RTIP	Regional Transportation Improvement Program	TOAH	Transit Oriented Affordable Housing
RTP	Regional Transportation Plan	TOC	Transit Oriented Communities
SAFE	Service Authority for Freeways and Expressways	TOD	Transit-Oriented Development
SAFETEA-LU	Safe, Accountable, Flexible, and Efficient Transportation Equity Act-A Legacy for Users	TOS	Transportation Operations Systems
SB 375	Sustainable Communities and Climate Protection Act 2008	TPA	Transit Priority Area
SB 1	The Road Repair and Accountability Act of 2017	TPI	Transit Performance Initiative
SCS	Sustainable Community Strategy	TPP	Transit Priority Project Areas
		VHD	Vehicle Hours of Delay
		VMT	Vehicle Miles Traveled

Napa Valley Transportation Authority

625 Burnell Street
Napa, CA 94559

Meeting Minutes NVTA Board of Directors - Tax Agency (NVTA-TA)

Wednesday, November 15, 2023

1:30 PM

JoAnn Busenbark Board Room

1. Call to Order

Chair Alessio called the meeting to order at 1:31pm.

2. Pledge of Allegiance

Pledge of Allegiance was recited by Director Garcia.

3. Consideration and Approval of Board Member Requests for Remote Participation

None

4. Roll Call

Present: 10 - Leon Garcia
Paul Dohring
Mark Joseph
Liz Alessio
Scott Sedgley
Margie Mohler
Anna Chouteau
Kevin Eisenberg
Irais Lopez-Ortega
Robin McKee-Cant

Absent: 2 - Alfredo Pedroza
Ryan Gregory

5. Adoption of the Agenda

Motion MOVED by DOHRING, SECONDED by MOHLER to APPROVE Item 5. Adoption of the Agenda. Motion passed unanimously.

Aye: 8 - Dohring, Joseph, Alessio, Sedgley, Mohler, Chouteau, Eisenberg, and Lopez-Ortega

Absent: 4 - Pedroza, Garcia, Gregory, and McKee-Cant

6. Public Comment

None

7. Chairperson's and Board Members' Update

None

8. Executive Director's Update

None

Note: Where times are indicated for the agenda items, they are approximate and intended as estimates only and may be shorter or longer as needed.

9. CONSENT AGENDA ITEMS

Motion MOVED by DOHRING, SECONDED by SEDGLEY to APPROVE Consent Agenda Items 9.1-9.2. Motion passed unanimously.

Aye: 8 - Dohring, Joseph, Alessio, Sedgley, Mohler, Chouteau, Eisenberg, and Lopez-Ortega

Absent: 4 - Pedroza, Garcia, Gregory, and McKee-Cant

9.1 Meeting Minutes of October 18, 2023 (Laura Sanderlin) (Pages 7-8)

Attachments: [Draft Minutes](#)

9.2 Resolution No. 23-03-TA setting the regular meeting time, place, and schedule of the Napa Valley Transportation Authority - Tax Agency Board of Directors and the Independent Taxpayer Oversight Committee for the 2024 Calendar Year (Laura Sanderlin) (Pages 9-18)

Attachments: [Staff Report](#)

10. REGULAR AGENDA ITEMS

10.1 Sales Tax Replacement Measure (Danielle Schmitz) (Pages 19-25)

Attachments: [Staff Report](#)

Information only/No action taken

{Director Garcia and Director Mckee-Cant entered the meeting}

11. FUTURE AGENDA ITEMS

None

12. ADJOURNMENT

Chair Alessio adjourned the meeting at 2:06pm.

Laura M. Sanderlin, NVTA-TA Board Secretary



NAPA VALLEY TRANSPORTATION AUTHORITY-TAX AGENCY **Board Agenda Cover Memo**

SUBJECT

Sales Tax Replacement Measure Review of Draft Ordinance and Release of the Expenditure Plan

STAFF RECOMMENDATION

That the Napa Valley Transportation Authority – Tax Agency (NVTA-TA) Board review the Draft Sales Tax Replacement Measure Ordinance and release the Expenditure Plan to the Cities of American Canyon, Napa, St. Helena, Calistoga, Town of Yountville and County of Napa for circulation and approval.

EXECUTIVE SUMMARY

NVTA staff have been working with the Transportation Measure’s steering committees on a draft measure that would replace Measure T, the Countywide Road Maintenance Act, passed in 2012. Once the NVTA-TA Board approves releasing the expenditure plan, it will be circulated to the jurisdictions for approval. Once the expenditure plan is circulated, staff will present the draft Ordinance, inclusive of any changes, to the Board for approval at its May meeting. Once the Board has approved the Ordinance and Expenditure Plan, staff will submit the Ordinance and the Expenditure Plan to the County in time to be included on the November 5, 2024 ballot.

FISCAL IMPACT

None for this action.



NAPA VALLEY TRANSPORTATION AUTHORITY-TAX AGENCY Board Agenda Memo

TO: NVTA Board of Directors
FROM: Kate Miller, Executive Director
REPORT BY: Danielle Schmitz, Director, Capital Development & Planning
(707) 259-5968 / Email: dschmitz@nvta.ca.gov
SUBJECT: Sales Tax Replacement Measure Review of Draft Ordinance and Release of the Expenditure Plan

RECOMMENDATION

That the Napa Valley Transportation Authority – Tax Agency (NVTA-TA) Board review the Draft Sales Tax Replacement Measure Ordinance and release the Expenditure Plan to the Cities of American Canyon, Napa, St. Helena, Calistoga, Town of Yountville and County of Napa for circulation and approval.

COMMITTEE RECOMMENDATION

At the January 11th meeting, the Technical Advisory Committee (TAC) recommended the NVTA-TA Board approve the Sales Tax Replacement Measure Draft Ordinance and Expenditure Plan and release it for circulation and approval to the jurisdictions.

BACKGROUND

Measure T is a ½ cent sales tax approved by the voters in 2012. The Measure became operative on July 1, 2018 and will expire on June 30, 2043. Measure T generates roughly \$25 million annually. The Measure stipulates a fixed percentage distribution to each jurisdiction for the purposes of maintaining and repairing local streets and roads, which includes maintenance and upgrades to other infrastructure within the roadway, including sidewalk, curb and gutter as well as complete street amenities, and any other statutory or policy upgrade requirements.

Prompted by declining Pavement Condition Index (PCI) Scores, NVTA staff have focused recent efforts to identify proposals that would make the Measure revenues more impactful for our residents, visitors, and work force by improving roadway conditions and reducing traffic congestion. These proposed changes include:

- Increase the number of years the Measure is in place to 30 years (from 25 years) beginning in 2025 until 2055.
- Allow bonding.
- Replace the existing distribution to the jurisdictions with a return to source/lane mile formula which would be memorialized in the ordinance and updated every five years to reflect changes in development.
- Include a set aside for regional highway improvements.
- Replace the 6.67% equivalent requirement with an alternative that would improve active transportation infrastructure and reporting.
- Develop a new maintenance of effort (MOE) approach that keeps pace with inflation.

To successfully administer the new program, NVTA's Administrative Fees would be set at 2.5%, which would cover consultant fees and new staffing associated with bonding and capital project oversight. Under Measure T, a separate allowance was provided to fund the work of the Independent Taxpayer Oversight Committee. Staff is proposing to fund those costs as part of the 2.5% NVTA administrative fee.

Program Details:

- Measure LSR Formula - The new distribution formula is based on return to source for all jurisdictions and a 50%/50% return to source and lane mile hybrid for the county. The proposal would update the formula every five years, calculated using the most recent three years of revenue generations to allow for planning and smoothing respectively. Factored into this formula is a 3% floor (minimum distribution) but with a variance cap set at 1% so that if the percentage of a jurisdiction's sales tax generations dropped below 2%, the floor would kick-in, but only up to a 1% subsidy.
- 6.67% Requirement – The Policy Steering Committee strongly recommended retaining an active transportation provision in the Measure. Prompted by this direction, NVTA staff and the Technical Steering Committee considered several different options that was manageable by the jurisdictions and supported by the bicycle and pedestrian community. The preferred option is outlined below:

Once this Ordinance becomes operative, in order to receive annual allocations under this Ordinance, the Agencies (collectively) must demonstrate that at least seven percent (7%) of the value of the allocations each year under Section 3(A) has been committed to the project development, construction, and maintenance of Class I and/or Class IV active transportation infrastructure project(s) identified in the adopted Countywide Active Transportation Plan, as that Plan may be amended from time to time, utilizing funding not derived from this ordinance. Up to 20% of the requirement may be met by routine maintenance expenditures. This obligation may be fulfilled by the Agencies collectively and NVTA. Eligible funds sources may include Congestion Mitigation and Air Quality Improvement (CMAQ) funding (or its successor), other local or formula specific funds, and revenues

under this ordinance set aside for highway improvements included in the Expenditure Plan in an amount that equals 7% over the term of this Ordinance. Funding for Class I and/or Class IV projects that are funded by philanthropy, state discretionary funding or federal discretionary funding shall not count toward the seven percent (7%).

Surplus equivalent fund commitments under Measure T, the Napa Countywide Road Maintenance Act, will count toward meeting the 7% requirement under this Ordinance. Agencies shall certify annually the amount of equivalent funds spent by their jurisdiction.

- Maintenance of Effort (MOE) - Under Measure T, the MOE was based on a fixed 3-year average of FYs 2008-2010 general fund expenditures. The proposed change would set the MOE at 20% of the eligible annual revenues a jurisdiction could receive (this would not include funds brought forward through bonding). Consistent with Measure T, jurisdictions would be allowed to meet this requirement over a three-year average, should a jurisdiction not be able to meet it in a single year.
- Bonding - NVTA staff completed modeling using NVTA's StreetSaver and a financial model developed by KNN Public Finance, NVTA's financial consultant, to estimate revenues for each jurisdiction over the 30-year period and to demonstrate how bonding affects pavement condition scores. The modeling shows that NVTA could set-aside \$80 million for regional capital improvements and still be able to support increased PCI scores as compared to maintaining the existing Measure T pay-as-you-go model.
- Regional Capital Program to Address Traffic and Emergencies - Apportion \$80 million for specific projects to improve traffic and add emergency highway operations. NVTA polled prospective voters about a number of capital projects. The respondents overwhelmingly supported the following projects.
 - SR 29/SR 12 –Intersection Improvements at SR 29 and Jameson Canyon/Airport Road and SR 12/Kelly Road
 - SR 29-American Canyon – Operational Improvements on SR 29 between Napa Junction and American Canyon Road
 - SR 29-SR 12/121 – Intersection Improvements at SR 29/Carneros Highway
 - Emergency Evacuation Routes – Highway Emergency Operations Center and Battery Storage Facility including Changeable Messaging Signs through Napa to direct traffic in emergencies

Issues:

Since the Board last met, staff has received comments outlining requests and concerns.

- *Greater Flexibility in How the Funds Are Used:* Board members have expressed an interest to include additional flexibility to fund other transportation projects that are not currently included in the draft expenditure plan. Under consideration is to allow a jurisdiction to use a subset of its local street and roads funds derived from the ordinance on other transportation projects. To preserve improving PCI scores under the proposed Measure, staff is recommending that this flexibility be capped at 5%. This proposal could help jurisdictions develop and deliver projects that are not easily funded outside of local funds..
- *Cost of Bonding:* Staff received concerns about the predictability of the annual local streets and roads distribution amounts. Staff wishes to underscore that annual revenues flowing to the jurisdictions would be net of debt payments for regional projects. An additional amount would be committed for debt payments for those jurisdictions wishing to advance their local projects through bond issues. Consequently, the amount of funds that a jurisdiction will receive may deviate annually, which is also influenced by a number of external factors, including economic conditions on revenue generations, the amount of debt being issued, and bond market conditions.

NVTA staff were extremely conservative in developing the three models that were used to understand the impacts to revenues and resulting pavement condition index (PCI) scores. The models predicted, that even under the worst market conditions and the most conservative growth in revenues, that all jurisdictions would receive more revenues over the 30-year period under the new proposed Measure than under Measure T. That said, what is key about the proposed restructuring of the ½ cent sales tax is that bringing the funding forward is creating a significantly greater purchasing power than under a pay-as-you-go scenario (the purchasing power of the \$1 in 2024 is projected to be worth only \$0.53 in 30 years). The new structure allows agencies to fund much larger projects and sooner, reducing overall construction costs and capitalizing on economies of scale.

Accomplishments to date:

- Polling
- A survey was conducted on June 14-21, 2023
- Hybrid email/web/live including 600 interviews in English and Spanish
- Repairing local roads and reducing traffic congestion were high priorities
- Traffic congestion was ranked as the most important problem
- 77% stated that they would support a ballot measure

- Steering Committees Formed:
- Policy Steering Committee (PSC): Liz Alessio, Anne Cottrell, Mark Joseph, and Alfredo Pedroza,
- Executive Steering Committee (ESC): Ryan Alsop, Anil Comelo, Jason Holley, Steve Potter, Brad Raulston, and Laura Snideman
- Technical Steering Committee (TSC): John Ferons, Joe Leach, Steve Lederer, Julie Lucido, Derek Raynor, and Erica Ahmann Smithies
- Draft Ordinance and Expenditure Plan

Next Steps:

- January 2024 – NVTA-TA review the draft ordinance and release the expenditure plan to the JPA partners for approval.
- January – April 2024: NVTA to present to local jurisdictions' governing bodies and seek approval for the Expenditure Plan
- March – May 2024: NVTA to release a second poll
- May 2024 – NVTA-TA: Approval of the Ordinance and Expenditure Plan and Request the Napa County Board of Supervisors (BOS) approve adding a Measure to the November 5, 2024 Ballot
- June 2024 – Consideration by the BOS to add the Measure to the November ballot.

ATTACHMENT(S)

- (1) Draft Ordinance and Expenditure Plan
- (2) Financial modeling and PCI scores

**NAPA VALLEY TRANSPORTATION AUTHORITY-TAX
AGENCY (NVTA-TA) ORDINANCE NO. 2024-01**

**NAPA VALLEY TRANSPORTATION IMPROVEMENT ACT
CONTINUING A TRANSACTION AND USE TAX**

The Napa Valley Transportation Authority–Tax Agency (the “Authority”) ordains as follows:

SECTION 1. TITLE AND AUTHORITY: This Ordinance shall be known and may be cited as the Napa Valley Transportation Improvement Act, hereinafter referred to as the Ordinance. This Ordinance continues a retail transactions and use tax for a thirty year period commencing July 1, 2025, authorizing the Authority to continue imposing a one half of one percent sales tax (1/2%) and to issue bonds to finance capital outlay expenditures as provided in the Expenditure Plan .

This Ordinance is enacted, in part, pursuant to the provisions of California Government Code Section 67912, Division 19 (commencing with section 180000) of the Public Utilities Code, and Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code.

SECTION 2. EXPENDITURE PLAN PURPOSES: This Ordinance provides for the implementation of the Napa Valley Transportation Improvement Act Expenditure Plan, Attachment 1 hereto (the “Expenditure Plan”) which will provide funding for highway improvements, countywide local street and road improvements, and low income transit fare subsidies for veterans, persons with disabilities and senior citizens. This funding program is committed for highway improvements, and maintenance of currently under-funded local community streets and supporting infrastructure (e.g., sidewalks, gutters, curbs) within the public right-of-way. Low income fare subsidies may be funded from the Authority’s Administration Fee and/or from the Authority’s other revenue sources. These improvements shall be funded by a one-half of one percent transactions and use tax established for a thirty year period commencing July 1, 2025, replacing Measure T, the Napa Countywide Road Maintenance Act, ordinance no 2012-01 (“Measure T”). The revenues shall be deposited in a special fund, used solely for the identified improvements as provided herein, and made available to the agencies responsible for the improvements for all purposes necessary for the approval and implementation of the tasks. Notwithstanding any other provision of this Ordinance, identified improvements (the “projects” or “programs”) that are eligible to receive revenues from the tax are described in the Expenditure Plan, which Expenditure Plan is hereby incorporated by reference as if fully set forth herein.

SECTION 3. EXPENDITURE PLAN SUMMARY: The revenues received by the Authority from this Ordinance, after deduction of required California Department of Tax and Fee Administration (the “CDTFA”) costs for performing the functions specified in Section 180204(b) of the Public Utilities Code, reimbursing the County of Napa for its cost in conducting the election if the measure is approved per Section 180203(a) of the Public Utilities Code, administration (Section 12 A), and the costs of the annual financial and biennial performance audits (Section 11), shall be used to fund the improvements set forth herein. In the event the measure does not pass, the costs for conducting the election shall be borne by the Authority. A summary of the projects and programs that are eligible to receive this funding is provided in the following sections. All funding and revenues are expressed in 2024 dollars. The annual revenues shall be allocated as follows:

A. Local Streets and Roads Maintenance Program: Subject to Paragraph B, of the annual revenues available for local streets and road maintenance shall be allocated pursuant to the formula set forth below, to each city, town, and the county (hereinafter referred to individually as Agency and collectively as Agencies) to provide revenue for such projects and to supplement, but not supplant, other revenues available for the Local Streets and Road Maintenance Program. The revenues allocated to each Agency under this Section 3(A) must be used for maintenance, reconstruction or rehabilitation of local streets, roads, and infrastructure within the public right-of-way.

The revenue allocated to the Local Streets and Roads Maintenance Program shall be allocated to, and expended by, each Agency pursuant to the following formula, which will be updated by the Authority and become effective on July 1st 2025 and every successive 5 years. The total revenues distributed to the Agencies for local streets and road maintenance and rehabilitation will be net of administration fees, costs associated with bond debt, and capital projects administered by the Napa Valley Transportation Authority, A California joint powers authority (hereinafter “NVTA”) and listed in the Expenditure Plan plus any interest earned on unobligated revenues balances. The Cities of American Canyon, Calistoga, Napa, and St. Helena, and the Town of Yountville will receive a percentage distribution based on the sales tax generation in their respective jurisdiction. The County will receive an amount based on fifty percent (50%) sales tax generation and fifty percent (50%) lane miles in the County. A jurisdiction may receive a subsidy of up to one percent (1%) if their Local Streets and Roads revenue distribution falls below 3%. Once the percentage distributions are calculated on the above formula, an adjustment will be applied to normalize the total annual program to one hundred percent (100%). Net revenues, plus interest earned on unobligated balances, shall be

apportioned to the Agencies' transportation improvement account on a quarterly basis.

- B.** Once this Ordinance becomes operative, in order to receive annual allocations under this Ordinance, the Agencies (collectively) must demonstrate that at least seven percent (7%) of the value of the allocations each year under Section 3(A) has been committed to the project development, construction, and maintenance of Class I and/or Class IV Active Transportation infrastructure project(s) identified in the adopted Countywide Active Transportation Plan, as that Plan may be amended from time to time, utilizing funding not derived from this ordinance . Up to 20% of the requirement may be met by routine maintenance expenditures. This obligation may be fulfilled by the Agencies collectively and NVT A. Eligible funds sources may include Congestion Mitigation and Air Quality Improvement (CMAQ) funding (or its successor), other local

or formula specific funds, and revenues under this ordinance set aside for highway improvements included in the Expenditure Plan in an amount that equals 7% over the term of this Ordinance . Funding for Class I and/or Class IV projects that are funded by philanthropy, state discretionary funding or federal discretionary funding shall not count toward the seven percent (7%).

- C.** Regional Capital Improvement Program administered by the Authority not to exceed \$80 million as included in the Expenditure Plan.

- D. Administration:** Actual costs, not to exceed two and one half percent (2.5%) of the annual revenue, may be used for administration of this Ordinance by the Authority.

SECTION 4. REQUEST FOR ELECTION

- A.** The Authority hereby requests the Napa County Board of Supervisors place this Ordinance before the voters for approval on the November 5, 2024 ballot.
- B.** The proposition to be placed on the ballot shall contain a summary of the projects and programs and shall read substantially as follows:

[INSERT BALLOT LANGUAGE]

SECTION 5. IMPOSITION OF RETAIL TRANSACTIONS AND USE TAX: In addition to any other taxes authorized by law, there is hereby imposed in the incorporated and unincorporated territory of the County of Napa, in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code, and Sections 7261 and 7262 of the Revenue and Taxation Code except insofar as they

are inconsistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code, and Division 19 of the Public Utilities Code commencing with Section 180000, which provisions are adopted by reference, a retail transactions and use tax at the rate of one-half of one percent (1/2%) for a thirty year period commencing July 1, 2025, which tax shall be in addition to any existing or future authorized state or local transactions and use tax.

SECTION 6. BONDING AUTHORITY: Pay-as-you-go financing is the preferred method of financing transportation improvements and programs under this Ordinance. However, the Authority may decide to use bond financing as an alternative method if the scope of the planned expenditures makes pay-as-you-go financing infeasible.

Upon voter approval of this Ordinance, the Authority shall have the power to sell or issue, from time to time, on or before the collection of taxes, bonds, or other evidence of indebtedness, in an amount equal to the sum of the principal of, and interest on, the bonds, not to exceed the estimated proceeds of the tax, and to secure such indebtedness solely by way of future collection of the tax, for capital outlay expenditures for the purposes set forth in this Ordinance, including, but not limited to, carrying out the transportation projects described in the Expenditure Plan.

SECTION 7. CONTRACT WITH STATE: The Authority shall notify the CDTFA at least 110 days prior to the operative date and shall contract with the California Department of Tax and Fee Administration to perform all functions incidental to the administration and operation of this transactions and use tax Ordinance, provided that if the Authority shall not have contracted with the CDTFA prior to the operative date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract.

SECTION 8. EXPENDITURE PLAN PROCEDURES:

- A. Each Agency shall biennially develop and submit to the Authority a five-year list of projects to be funded with revenues made available for the Local Streets and Roads Maintenance Program (Section 3(A)). Each Agency shall conduct a local public meeting and adopt a Resolution in support of the proposed list of projects prior to submitting the project list to the Authority pursuant to Section 8. Agencies will identify in the five-year project list those projects that require funds to be advanced through bonding, borrowing and/or funding exchange.

- B. In the allocation of all revenues made available under Section 3, the Authority shall make every effort to maximize state, federal, and local transportation funding to the Agencies. The Authority may amend the Expenditure Plan in accordance with Section 21 as needed to maximize the transportation funding available throughout the county. It is also the intent of the Authority to encourage the purchase of goods and services for the projects described in Section 3 from suppliers based in Napa County.

- C. The Agencies and the Authority shall fully consider the needs of non-motorized travelers, including pedestrians, bicyclists and persons with disabilities, in all planning, maintenance, construction, operations and project development activities and products. The Agencies and the Authority with projects funded in full or in part with Authority revenues shall endeavor to not remove or reduce existing facilities for bicycling or pedestrians.

SECTION 9. PROJECT PROGRAMMING APPROVAL: Prior to the operative date of this Ordinance, and biennially thereafter, the Authority shall approve a five-year list of projects eligible to be funded with the revenues made available under Section 3 herein, provided that the submittal meets all of the requirements of this Ordinance and funding is, or is estimated to be, available. Prior to Authority approval, the Independent Taxpayer Oversight Committee shall consider each Agency's biennial five-year list of projects and make a finding that such projects are consistent with the intent of this Ordinance, and make a recommendation on which of the items on those project lists should be approved to the Authority.

SECTION 10. COOPERATIVE FUNDING EXCHANGE AGREEMENTS: To maximize the effectiveness of the retail transactions and use tax revenues, the Authority and/or Agency(ies) may loan revenues actually received, allocated or granted to any public agency within the area of jurisdiction of the Authority provided that the percentage of revenues allocated as provided in Section 3 is maintained over the duration of the Ordinance. Any exchange or loan agreement must include detailed repayment provisions, including appropriate interest earnings based upon the current treasury rate of interest. All loans and/or exchanges must be approved by the Authority by a majority vote, and shall be consistent with any and all rules approved by the Authority relating thereto.

SECTION 11. LOCAL STREETS AND ROADS MAINTENANCE OF EFFORT: It is the intent of the Authority that revenues provided from this Ordinance be used to supplement, not supplant, existing local general fund revenues being used for the transportation improvements described in the Expenditure Plan . Each Agency receiving revenues pursuant to Section 3 shall annually maintain, as a minimum, the "maintenance of effort" as defined in this Section 11. To meet the Maintenance of Effort requirement, each

Agency will expend, at a minimum, the equivalent of 20% of the Agency's prior year's local streets and roads sales tax revenue in local general fund revenues for Local Streets and Roads Maintenance and supporting infrastructure within the public right-of-way for pavement sealing, overlays, reconstruction, associated infrastructure, as required, excluding any local revenues expended for the purpose of storm damage repair as verified by an independent auditor. Bond issuances, borrowing, or funding exchanges will not be counted as part of the Agency's prior year local streets and roads sales tax revenue. The Maintenance of Effort amount will be established and approved by the Authority at the beginning of each fiscal year. Prior to the beginning of each fiscal year thereafter, Agencies shall certify to the Authority that the maintenance of effort requirement required by this Section will be met that fiscal year, copies of which shall be provided to the Authority Auditor. Any Agency that does not meet its local maintenance of effort requirement for a three-year average period shall have its funding under Section 3 the following year reduced by the amount the Agency did not meet its required average maintenance of effort level for the three prior years. Any funds not allocated due to failure to meet the maintenance of effort requirement shall be reserved for the Agency until any and all maintenance of effort expenditures are fulfilled.

SECTION 12. PRIVATE SECTOR FUNDING: Revenues provided from this measure shall not be used to replace private developer funding that has been or will be committed for any project to help alleviate the direct traffic impacts of any new or redeveloped residential, commercial or industrial development in Napa County or its cities.

SECTION 13. INDEPENDENT TAXPAYER OVERSIGHT COMMITTEE:

ITOC Goal and Functions: Voter adoption of this transportation retail transactions and use tax Ordinance shall result in creation of the Independent Taxpayer Oversight Committee ("ITOC") upon the operative date of this tax. The ITOC shall remain in existence for so long as the tax herein exists. The ITOC shall review the fiscal and program performance of the retail transactions and use tax transportation program through a biennial performance audit to ensure that all transportation retail transactions and use tax revenues are spent by the Authority in accordance with all provisions of the voter-approved Expenditure Plan and Ordinance. The ITOC's secondary mission is to provide positive, constructive advice to the Authority on how to improve implementation over the thirty year course of the program; this role shall include consideration by the ITOC of the biennial project lists submitted by the Agencies under Section 8. Expenses associated with carrying out the work of the ITOC and ITOC member stipends will be funded from the Authority's 2.5% administration fees.

A. **Audit Requirement:** The ITOC shall oversee the independent financial audit of

the Authority and the financial and performance audits of the Agencies, which shall be performed in accordance with generally accepted auditing standards and Government Auditing Standards issued by the Comptroller General of the United States and performance goals adopted by the Authority consistent with Public Utilities Code Section 180000 et seq. The audits shall include the basic financial statements of the Authority as defined by the Governmental Accounting Standard Board and the performance of all aspects of the program based on the specific performance goals adopted by the Authority. The ITOC audit shall not relieve the Authority from performing its auditing obligations as imposed by law. All Audits shall be posted on the Authority's website in a manner that is easily accessible to the public.

1) Role of Fiscal and Performance Audit and the ITOC:

- a. The ITOC shall, under the procurement rules of the Authority, jointly recommend with the active involvement of the Executive Director, an independent California Certified Public Accountant to conduct an annual financial audit of the Authority pursuant to the provisions of this Ordinance, report findings based on the audit to the Authority, and to recommend any additional considerations which the ITOC believes may improve the financial operation while meeting all voter mandates.
- b. The ITOC shall, under the procurement rules of the Authority jointly recommend with the active involvement of the Executive Director and the Authority Auditor, retention of an independent audit firm to conduct a biennial performance audit of the Agencies, pursuant to the provisions of this Ordinance, report findings based on the audits to the Authority, and recommend any additional considerations which the ITOC believes may improve the integrity of program implementation while meeting all voter mandates.
- c. The ITOC shall review each Agency's annual independent financial audit, report relevant findings based on the audits to the Authority, and recommend any changes which the ITOC believes may improve the financial operations while meeting all voter mandates.
- d. Upon request of the ITOC Chair, the Authority may hold a publicly noticed meeting annually, which may be a regular or special Authority Board meeting, with the direct participation of the ITOC, to consider the findings and recommendations of the audits. A report of the findings and recommendations of each audit by the ITOC shall

be made readily available to the public in print and on the Authority's electronic website.

- e. The Authority shall publish a biennial report to the community to be published at the expense of tax revenues in all local newspapers of general circulation in Napa County.

B. Membership and Selection Process

- 1) The Authority shall develop an open selection process, actively recruit, and appoint seven (7) Committee members who shall be residents of the County of Napa possessing the following credentials:
 - a. One member who is a professional, retired or active, in the field of municipal audit, finance and/or budgeting with a minimum of five years in a relevant and senior decision-making position in the public or private sector.
 - b. One member who is a licensed civil engineer, retired or active, with at least five years of demonstrated experience in the fields of transportation in government and/or the private sector.
 - c. One member who is a Certified Public Accountant (CPA), retired or active, and experienced in financial audits.
 - d. One member shall be a representative of a Napa region Chamber of Commerce.
 - e. One member from a bona fide taxpayers association.

Two members from the public at-large.vacant

- 2) The Chair and the Executive Director of NVTA, the Chair of the NVTA Technical Advisory Committee, and the County Auditor-Controller shall serve as non-voting ex-officio members of the ITOC.

C. Terms and Conditions for Committees

- 1) The voting Committee members shall serve a two, three, and four year term, determined by the drawing of lots. Thereafter, Committee members shall serve four-year terms.
- 2) The Authority shall develop by-laws for the operation of the ITOC. The ITOC

members shall receive a stipend of \$300 per quarterly meeting and no other payment shall be made for any purpose. This stipend will increase by \$50 per quarterly meeting every five years beginning in the new fiscal year. A position on the Committee shall become vacant as a result of a member failing to attend two consecutive meetings. Meetings may be canceled or rescheduled in consultation with the Chair of the ITOC. Committee members are not entitled to a stipend if a meeting is canceled.

- 3) The voting Committee members cannot be current local elected officials in Napa County or a full-time staff member of any city, town, or county government, a local transit operator, or state transportation agency.
- 4) Non-voting ex-officio Committee members shall serve only as long as they remain incumbents in their respective positions and shall be automatically replaced by their successors in those positions.
- 5) If and when vacancies on the ITOC occur on the part of voting Committee members, either due to expiration of term or a vacancy occurring during a term, the Authority shall endeavor to appoint an appropriate replacement within 90 days of the vacancy to fill the remainder of the term pursuant to the provisions of Government Code Sections 54970, *et. seq* (the Maddy Act). If committee member vacancies persist for more than 90 days, and the Authority has failed to identify a qualified member to fill a designated position as stated under Section 13, paragraph B, the Authority may select a community member at large to fill the position.

D. ITOC Operation Protocols

- 1) The ITOC shall be appointed within 180 days prior to the operative date of the retail transactions and use tax and continue as long as retail transactions and use tax revenues from the current voter authorization are available for expenditure.
- 2) The Authority Board and staff shall fully cooperate with and provide necessary financial and staff support to ensure the ITOC successfully carries out its duties and obligations.

E. Conflict of Interest

- 1) ITOC voting members shall have no legal action pending against the Authority and are prohibited from participating in any commercial activity directly or

indirectly involving the Authority, such as being a consultant or vendor to the Authority during their tenure on the ITOC.

- 2) ITOC voting members shall not have direct and/or indirect commercial interest or employment with any public or private entity which receives transportation retail transactions and use tax revenues authorized by this Ordinance.

SECTION 14. ADMINISTRATIVE FUNCTIONS AND EXPENSES:

- A. Revenues may be expended by the Authority necessary to administer the Ordinance; however, in no case shall administrative expenditures exceed two and one-half percent (2.5%) of the annual budgeted revenues provided by the Ordinance. No more than one percent (1.0%) of revenues shall be used for salaries, wages, or benefits of Authority staff.
- B. Administrative functions include providing overall program direction and management necessary to implement Authority policy, formulating organizational goals and objectives, coordinating activities and funding exchanges with other agencies and organizations, administering finance and debt issuance , accounting, purchasing, personnel, government and community relations, and legal matters.

SECTION 15. RECEIPT AND ALLOCATION OF TAX REVENUES: The County Auditor-Controller shall receive the tax revenue and shall allocate funds to the Agencies at direction of the Authority on a calendar quarter basis, together with any accrued interest, by the end of the following quarter.

SECTION 16. ESTABLISHMENT OF SEPARATE ACCOUNTING: Each Agency receiving the revenues identified in Section 3 shall have its revenues deposited in a separate interest bearing Special Revenue Transportation Improvement Fund. Interest earned on revenues allocated pursuant to this Ordinance shall be expended only for those purposes permitted by this Ordinance.

SECTION 17. IMPLEMENTING ORDINANCES: Upon approval of this Ordinance by the voters the Authority shall, in addition to the rules required to be provided pursuant to this Ordinance, adopt implementing ordinances, rules, and policies that are not inconsistent with the purpose and intent of this Ordinance and take such other actions as may be necessary and appropriate to carry out its responsibilities.

SECTION 18. EFFECTIVE AND OPERATIVE DATES: This Ordinance shall be effective on July 1, 2025, if two-thirds of the electors voting on the ballot proposition approving the Ordinance vote to approve the ballot proposition on November 5, 2024. The imposition of the tax authorized by this Ordinance shall be operative on July 1, 2025, and after at

least 110 days notice to the CT DFA, at which time Measure T will be repealed in its entirety and replaced by this Ordinance. There shall be no concurrent assessment of Measure T and the tax to be imposed by this Ordinance.

SECTION 17. PLACE OF SALE: For the purposes of this Ordinance, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the state or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the CD TFA.

SECTION 20. LIMITATIONS ON ADOPTION OF STATE LAW AND COLLECTION OF USE TAXES: In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code:

- A. Wherever the State of California is named or referred to as the taxing agency, the name of this county shall be substituted therefor. However, the substitution shall not be made:
 - 1) The word "State" is used as a part of the title of the State Controller, State Treasurer, State Board of Control, CD TFA, State Treasury, or the Constitution of the State of California;
 - 2) The result of that substitution would require action to be taken by or against this Authority or any agency, officer, or employee thereof rather than by or against the CD TFA, in performing the functions incident to the administration or operation of this Ordinance.
 - 3) In those sections, including, but not necessarily limited to sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to:
 - a. Provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the state under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or;
 - b. Impose this tax with respect to certain sales, storage, use or other

consumption of tangible personal property which would not be subject to tax by the state under the said provision of that code.

4) In Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code.

B. The word "County" shall be substituted for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 and in the definition of that phrase in Section 6203.

SECTION 21. PERMIT NOT REQUIRED: If a seller's permit has been issued to a retailer under Section 6067 of the Revenue and Taxation Code, an additional transactor's permit shall not be required by this Ordinance.

SECTION 22. EXEMPTIONS AND EXCLUSIONS:

A. There shall be excluded from the computation of the transactions tax and the use tax the amount of any sales tax or use tax imposed by the State of California or by any city, city and county, or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law or the amount of any state-administered transactions or use tax.

B. There are exempted from the computation of the amount of the transactions tax the gross receipts from:

1) Sales of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the county in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government.

2) Sales of property to be used outside the county which is shipped to a point outside the county, pursuant to the contract of sale, by delivery to such point by the retailer or his agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this paragraph, delivery to a point outside the county shall be satisfied:

a. With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, and undocumented vessels registered

under Division 3.5 (commencing with Section 9840) of the Vehicle Code by registration to an out-of-county address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, his or her principal place of residence; and

- b. With respect to commercial vehicles, by registration to a place of business out-of-county and declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.
- 3) The sale of tangible personal property if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the operative date of this Ordinance.
 - 4) A lease of tangible personal property which is a continuing sale of such property, for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the operative date of this Ordinance.
 - 5) For the purposes of subparagraphs (3) and (4) of this Section, the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.
- C. There are exempted from the use tax imposed by this Ordinance, the storage, use or other consumption in this county of tangible personal property:
- 1) The gross receipts from the sale of which have been subject to a transactions tax under any state-administered transactions and use tax ordinance.
 - 2) Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government. This exemption is in addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code of the State of California.
 - 3) If the purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the operative date of this Ordinance.
 - 4) If the possession of, or the exercise of any right or power over, the tangible

personal property arises under a lease which is a continuing purchase of such property for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease prior to the operative date of this Ordinance.

- 5) For the purposes of subparagraphs (3) and (4) of this Section, storage, use, or other consumption, or possession of, or exercise of any right or power over, tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.
- 6) Except as provided in subparagraph (7), a retailer engaged in business in the county shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the county or participates within the county in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in the county or through any representative, agent, canvasser, solicitor, subsidiary, or person in the county under the authority of the retailer.
- 7) "A retailer engaged in business in the County" shall also include any retailer of any of the following: vehicles subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, or undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code. That retailer shall be required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in the county.

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

SECTION 23. AMENDMENTS: The Expenditure Plan may be amended to provide for the use of additional federal, state, and local revenues or to account for unexpected revenues by approval of a two-thirds vote of the members of the Authority; the two-thirds must include the City of Napa, the County of Napa, and at least three other jurisdictions. No amendment may, in the aggregate, reduce the percentage of tax revenue allocated to the

Local Streets and Roads Maintenance Program as apportioned in Section

3. No amendment shall operate so as to affect the rate or duration of tax imposed by this Ordinance. Amendments to the Expenditure Plan shall be effective forty-five (45) days after notice of approval of the amendments is given by the Authority

Amendments constituting expenditures for new programs or new projects that were not a part of the voter approved Expenditure Plan or referred to in the Local Streets and Roads Maintenance Program may only be approved with the subsequent consent of the electorate.

As required by state law, all amendments subsequent to the effective date of this Ordinance to Part 1 of Division 2 of the Revenue and Taxation Code relating to sales and use taxes and which are not inconsistent with Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, shall automatically become a part of this Ordinance, provided however, that no such amendment shall operate so as to affect the rate of tax imposed by this Ordinance.

SECTION 24. TEN-YEAR PROGRAM REVIEW: After the tax has been in effect for ten years after the operative date, the Authority shall conduct a comprehensive review of all revenues, projects and programs under the Expenditure Plan to evaluate the performance of the overall program over the previous ten-year period and to make revisions to the Expenditure Plan to improve its performance and allow for changed demographic conditions, transportation needs, revenues, and technology over the subsequent ten years. Revisions to the Ordinance and Expenditure Plan required as a result of the ten-year review shall be subject to the amendment process in Section 23. However, the 99% local street and road allocation provided in Section 3 shall not be altered.

SECTION 25. DESIGNATION OF FACILITIES: Each project or program receiving in excess of \$250,000 funded in whole or in part by revenues from the Ordinance shall be clearly designated with project signage at the project site during its construction or implementation as being provided by revenues from the Ordinance.

SECTION 26. SEVERABILITY: If any section, part, clause, or phrase of this Ordinance is for any reason held invalid or unconstitutional, the remaining portions shall not be affected but shall remain in full force and effect.

SECTION 27. ANNUAL APPROPRIATIONS LIMIT: Article XIII (B) of the California Constitution requires the establishment of an annual appropriations limit for governmental entities. The maximum annual appropriations limit for the Authority is hereby established as \$250 million. The appropriations limit shall be subject to adjustment as provided by law. All expenditures of the retail transactions and use tax revenues imposed by Section 4 are

subject to the appropriations limit of the Authority.

SECTION 28. ENJOINING COLLECTION FORBIDDEN: No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the state or the Authority, or against any officer of the state or the Authority, to prevent or enjoin the collection under this Ordinance, or Part 1.6 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected.

SECTION 29. COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA). Pursuant to the State CEQA Guidelines Section 15378(b)(4), adoption of this retail transactions and use tax ordinance and Expenditure Plan is not a “project” subject to the requirements of CEQA. Prior to commencement of any project included in the Expenditure Plan, any necessary environmental review required by CEQA shall be completed. Estimated costs in the Expenditure Plan include the cost of such environmental review.

SECTION 30. DEFINITIONS:

- A. *Agency* means those cities, town, and county that lie within the geographic boundaries of the County of Napa.
- B. *Authority* means the Napa Valley Transportation Authority – Tax Agency created by the Napa County Board of Supervisors with the concurrence of a majority of cities having a majority of the incorporated population of the county.
- C. *Expenditure Plan* means the expenditure plan required by Section 180206 of the Public Utilities Code to be adopted prior to the call of an election on this Ordinance. The expenditure plan includes the allocation of revenues for each authorized purpose. To the extent the summarized provisions of the expenditures contemplated by this Ordinance cannot be reconciled with the Expenditure Plan set forth in Attachment 1, the provisions of Attachment 1 shall prevail.
- D. *Effective Date* means the date the measure was passed by the electorate.
- E. *Highways* means all purposes necessary and convenient to the design, right-of-way acquisition, and construction of highway facilities, including all state highway routes and any other facilities so designated in the Expenditure Plan.
- F. *Infrastructure* means all components within the right-of-way necessary to support the roadway which includes road pavement, sub-grade, curb, gutter, sidewalks, curb ramps, surface and subsurface drainage, replacement traffic control devices, replacement roadway lighting, striping, pavement marking, intelligent

transportation systems, and signage.

- G. *Maintenance* means repair, reconstruction or rehabilitation, and/or replacement of streets, roadways, and other infrastructure within the public right-of-way.
- H. *Operative Date* means the date the tax begins to collect revenue for this measure.
- I. *Project* is a single effort with a beginning and an end that would cause the construction or maintenance or reconstruction of some tangible portion of a transportation asset owned or operated by public agency that has independent utility. A *project* does not appear without a detailed description as to cost and location in a local agency budget, and it must appear in a capital budget.
- J. *Reconstruction or Rehabilitation* includes any overlay, including the placement or replacement of base materials and any sub-grade work or widening of the roadway, if the widening is necessary to bring the roadway width to the desirable minimum width consistent with the geometric design criteria of the state for 3R (reconstruction, resurfacing, and rehabilitation). This does not include widening for the purpose of increasing the traffic capacity of a street or highway. This does include additions, changes or reconstruction of Infrastructure directly associated with the function of a street or roadway. It also includes additions necessary to incorporate and/or maintain bicycle and/or pedestrian facilities called for in the Napa County Transportation and Planning Agency's Countywide Bicycle Plan or adopted bicycle plans of the Agencies and any improvements or alterations necessary to the roadway and or pedestrian or bicycle travel ways to improve overall circulation and to meet American's with Disabilities Act requirements.
- K. *Regional Transportation Improvement Program Submission* means any program of projects sent or otherwise caused to be delivered to the Regional Transportation Planning Agency for Napa County by the entity designated by the Regional Transportation Planning Agency with the submission of that program for the local agencies for consideration by the Regional Transportation Planning Agency for inclusion in the Regional Transportation Improvement Program or its related documents.
- L. *Local Streets and Roads* means the pavement facilities and supporting Infrastructure within the street, road, or highway right-of-way.
- M. *Storm damage repair* means repair or reconstruction of local streets and highways and related drainage improvements that have been damaged due to storms and flooding, in those jurisdictions that have been declared disaster areas by the

President of the United States and/or by the Governor of California.

N. *Funding Exchange* means borrowing from or replacing project funding with another funding source to accelerate project delivery.

SECTION 31. PUBLICATION OF ORDINANCE: A summary of this Ordinance shall be published at least five days before its passage in the local newspapers of general circulation published in the County of Napa, and at least once before the expiration of 15 days after its passage together with the names of the Directors voting for and against the same.

The foregoing Ordinance was introduced and read at a regular meeting of the Napa Valley Transportation Authority, held on January 17, 2024, and passed at a regular meeting of the Napa Valley Transportation Authority held on April 17, 2024, by the following vote:

LIZ ALESSIO, NVTA-TA Chair

Ayes: _____

Noes: _____

Absent: _____

ATTEST:

Laura Sanderlin, NVTA-TA Board Secretary APPROVED:

Osman Mufti, NVTA-TA Legal Counsel

NAPA VALLEY TRANSPORTATION IMPROVEMENT ACT EXPENDITURE PLAN

The net revenues received by the Authority from the proposed transactions and use tax shall be used to fund the projects described below after paying for the costs of this election, the cost of debt service, and the cost of administering the program. Only two and one half of one percent (2.5%) of the net revenues may be expended for costs of administration. The revenues received by the Auditor Controller will be less the fees charged by the California Tax and Fee Administration to collect the sales tax. All funding and revenues are expressed in 2024 dollars over the thirty year life of the program.

The revenue allocated to each Agency under this Expenditure Plan may be used for any direct costs of design, materials testing, all project required environmental reviews, construction management, inspection, and construction of the projects.

Local Streets and Roads Maintenance Program

Description:

After deductions for capital highway improvement and highway operations and emergency evacuation projects, in an amount not to exceed \$80 million and associated debt service expenses, and the Authority’s administration fees of two and one half percent (2.5%), the balance of funds shall be allocated to the Local Streets and Roads Maintenance Program. Under the Ordinance, the funds for the Local Streets and Roads Maintenance Program must be used for maintenance, reconstruction or rehabilitation of local streets, roads, and infrastructure within the public right-of-way as defined.

The estimated funding for the Local Streets and Maintenance Program is (millions of dollars):

Project	Percentage Distribution	
American Canyon	8.0%	
Calistoga	3.0%	
City of Napa	40.2%	
Napa County	38.8%	
St. Helena	6.6.0%	
Yountville	3.4%	
Total	100.0%	

The percentage distribution and estimated Transaction and Use Tax is based on 2024 values and will be updated when the sales tax becomes operative on July 1, 2025 and every successive five years based on the formula established in Section 3, Paragraph A: Local Streets and Roads Maintenance Program.

Transportation Enhancement Projects

<u>Project Name</u>	<u>Amount</u>
<u>SR 29/SR 12 – Intersection Improvements at SR 29 and Jameson Canyon/Airport Road and SR 12/Kelly Road</u>	<u>Costs for capital projects funded by the Napa Valley Transportation Improvement Act may not exceed \$80 million.</u>
<u>SR 29-American Canyon – Operational Improvements on SR 29 between Napa Junction and American Canyon Road</u>	
<u>SR 29-SR 12/121 – Intersection Improvements at SR 29/Carneros Highway</u>	
<u>Highway Operations and Emergency Evacuation Center – highway system adaptive messaging signs and Vine Transit emergency evacuation operations.</u>	
<u>Low Income Transit Subsidies</u>	
<u>Fares for Veterans, Persons with Disabilities, and Elderly Persons</u>	<u>Estimated annual cost of \$10,000 and funded from Authority’s administrative fees or other Authority revenues.</u>

Amendments

This Expenditure Plan may be amended to provide for the use of additional federal, state, and local revenues or to account for unexpected revenues by approval of a two-thirds vote of the members of the Authority; the two-thirds must include the City of Napa, the County of Napa, and at least three other jurisdictions. No amendment shall operate so as to affect the rate of tax imposed by this Ordinance.

Amendments constituting expenditures for new programs or new projects that were not a part of the voter approved Expenditure Plan or referred to in the Local Streets and Roads Maintenance Program may only be approved with the subsequent consent of the electorate.

Napa Valley Transportation Authority- Tax Agency

Summary of Measure X Bonding Scenarios

\$80M Capital Set-Aside

	Measure X Scenario 1	Measure X Scenario 2	Measure X Scenario 3
Local Bond Approach	"Equal Issuances"	"Issuance Ramp Up"	"Issuance Ramp Down"
Regional Bonding	\$80 Million Set-Aside	\$80 Million Set-Aside	\$80 Million Set-Aside
Measure Term	FY 26 - FY 55	FY 26 - FY 55	FY 26 - FY 55
Total Sales Tax Revenues @ 2.5% (Y1-Y5) - 3.0% (Y6-Y30) growth	\$ 1,278,323,221	\$ 1,278,323,221	\$ 1,278,323,221
NVTA			
Admin \$ (@ 2.5%)	\$ 31,958,081	\$ 31,958,081	\$ 31,958,081
Regional Bond 1 Proceeds (FY 27):	40,000,000	40,000,000	40,000,000
Regional Bond 2 Proceeds (FY 30):	40,000,000	40,000,000	40,000,000
Regional Bond Debt Service	52,224,750	52,224,750	52,224,750
Regional Admin & Debt Service \$	\$ 164,182,831	\$ 164,182,831	\$ 164,182,831
Jurisdictions			
Local Allocation \$ (less Regional D/S)	\$ 1,114,140,390	\$ 1,114,140,390	\$ 1,114,140,390
Local Debt Service \$	445,789,000	419,081,750	480,577,500
Local Allocation/PAYGO Revenues	\$ 668,351,390	\$ 695,058,640	\$ 633,562,890
Local Bond \$			
Local Bond 1 Proceeds (FY 27):	\$ 72,000,000	\$ 20,000,000	\$ 120,000,000
Local Bond 2 Proceeds (FY 30):	72,000,000	65,000,000	95,000,000
Local Bond 3 Proceeds (FY 33):	72,000,000	85,000,000	65,000,000
Local Bond 4 Proceeds (FY 36):	72,000,000	110,000,000	20,000,000
Total Local Bond Proceeds:	\$ 288,000,000	\$ 280,000,000	\$ 300,000,000
Total Jurisdictional Resources Available	\$956,351,390	\$975,058,640	\$933,562,890

Proceeds- Measure X (PayGo + Bonding)	Measure X Scenario 1 "Equal Issuance"	Measure X Scenario 2 "Ramp Up"	Measure X Scenario 3 "Ramp Down"	Current Measure T Funding
City of Napa (40.2%; 40.35%)	\$ 384,453,259	\$ 391,973,573	\$ 375,292,282	\$ 346,974,600
County of Napa (38.8%; 39.65%)	371,064,339	378,322,752	362,222,401	339,939,500
American Canyon (8.0%; 7.7%)	76,508,111	78,004,691	74,685,031	66,055,041
St. Helena (6.6%; 5.9%)	63,119,192	64,353,870	61,615,151	52,740,600
Calistoga (3.0%; 2.7%)	28,690,542	29,251,759	28,006,887	23,517,500
Yountville (3.4%; 2.7%)	32,515,947	33,151,994	31,741,138	23,517,500
Total- Jurisdictional Resources Available	\$ 956,351,390	\$ 975,058,640	\$ 933,562,890	\$ 852,744,741

PCI Scores Measure X + HUTA + RMRA + MOE	Measure X Scenario 1 "Equal Issuance"	Measure X Scenario 2 "Ramp Up"	Measure X Scenario 3 "Ramp Down"	Current Measure T Scores
PCI Score in Year 10 General Funds are not included				
City of Napa	81.9 (+21.9)	81.1 (+21.1)	83.1 (+23.1)	60
County of Napa	71.3 (+27.3)	71 (+27)	71.9 (+27.9)	44
American Canyon	64.6 (+6.6)	64.2 (+6.2)	64.9 (+6.9)	58
St. Helena	76.4 (+24.4)	76 (+24)	76.3 (+24.3)	52
Calistoga	74.7 (+17.7)	74.2 (+17.2)	75.3 (+18.3)	57
Yountville	82.3 (+4.3)	82.5 (+4.5)	82.3 (+4.3)	78

HUTA: Highway Users Tax Account. Per gallon excise tax on gasoline/diesel fuel, sales tax and registration taxes on motor vehicles for transportation purposes.

RMRA: Road Maintenance and Rehabilitation Account (aka SB1): 12c a gallon excise tax, with annual inflation adjustments beginning in 11/1/2017.

MOE: Maintenance of Effort at a 20% match of PayGo revenues.