

Napa Valley Transportation Authority

625 Burnell Street
Napa, CA 94559



Agenda - Final

Wednesday, May 22, 2024

JoAnn Busenbark Board Room

NVTA Board of Directors - Tax Agency (NVTA-TA) **and (County of Napa Board of Supervisors*)**

*This meeting is also being noticed as a Board of Supervisors' meeting due to having 2 current Board Members (Supervisors Pedroza and Gregory) and 1 Supervisor-Elect (Councilmember Alessio) at the NVTA-TA Board of Directors meeting.

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
- 2) To join the Zoom meeting by phone: dial 1-669-900-6833, enter meeting ID: 864 1754 4351 If asked for the participant ID or code, press #.
- 3) Watch live on YouTube: <https://www.youtube.com/channel/UCrjLcW9uRmA0EE6w-eKZyw?app=desktop>

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 comunicación a las personas discapacitadas y los individuos con conocimiento limitado del inglés quienes quieran dirigirse a la Autoridad. Para solicitar asistencia, por favor llame al número (707) 259-8633. Requerimos que solicite asistencia con tres días hábiles de anticipación 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 pagsasalín-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. Approval of Board Member Requests for Remote Participation
4. Roll Call
5. Adoption of the Agenda
6. Public Comment
7. Chairperson's and Board Members' Update
8. 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.

9. PUBLIC HEARINGS

9.1 Public Hearing on the Approval of Resolution No. 22-03-TA, Revised Amending the Fiscal Year (FY) 2023-24 Annual Operating Budget (Antonio Onorato) (Pages 7-11)

Recommendation: That the Napa Valley Transportation Authority-TA Agency (NVTA-TA) Board:

- 1) Open the Public Hearing; and
- 2) Approve Resolution No. 22-03-TA, Revised amending the Fiscal Year (FY) 2023-24 annual operating budget and the associated annual appropriations limit from \$24,876,000 to \$26,785,000.

Estimated Time: 1:05 p.m.

Attachments: [Staff Report](#)

10. CONSENT AGENDA ITEMS

10.1 Meeting Minutes of April 17, 2024 (Laura Sanderlin) (Pages 12-13)

Recommendation: Board action will approve the meeting minutes of April 17, 2024.

Estimated Time: 1:15 p.m.

Attachments: [Draft Minutes](#)

11. REGULAR AGENDA ITEMS

11.1 First Reading and motion of intent to adopt Napa Valley Transportation Authority - Tax Agency (NVTA-TA) Ordinance No. 2024-01 enacting the Napa Valley Transportation Improvement Act and Expenditure Plan, which prescribes, pending voter approval, the imposition, division, distribution, and administration of a Retail Transaction and Use Tax under Section 180000 et seq. of the California Public Utilities Code (Danielle Schmitz) (Pages 14-46)

Recommendation: That the Napa Valley Transportation Authority - Tax Agency Board:

- 1) Introduce the first reading of NVTA-TA Ordinance No. 2024-01, the Napa Valley Transportation Improvement Act and Expenditure Plan “Measure U” (the “Ordinance”), by title only and waive oral reading of the full Ordinance.
- 2) Direct the the Executive Director to prepare and cause to be published a summary of the Ordinance and bring the Ordinance back to the NVTA-TA for final approval at the June 26, 2024 NVTA-TA Board meeting.

Estimated Time: 1:30 p.m.

Attachments: [Staff Report](#)

12. FUTURE AGENDA ITEMS

13. ADJOURNMENT

13.1 The next Regular Meeting is Wednesday, June 26th at 1:00pm.

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, May 17th.



Laura M. Sanderlin, NVTA-TA Board

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-TAX AGENCY COVER MEMO

SUBJECT

Public Hearing on the Approval of Resolution No. 22-03-TA, Revised Amending the Fiscal Year (FY) 2023-24 Annual Operating Budget

STAFF RECOMMENDATION

That the Napa Valley Transportation Authority-TA Agency (NVTA-TA) Board approve Resolution No. 22-03-TA, Revised amending the Fiscal Year (FY) 2023-24 annual operating budget and the associated annual appropriations limit from \$24,876,000 to \$26,785,000.

EXECUTIVE SUMMARY

At its May 20, 2021 meeting, the NVTA-TA adopted the biennial budget for FY 2023-24 for \$24,876,000. Measure T revenues could exceed forecast for the year necessitating a budget amendment to \$26,785,000. The amendment is necessary in order to transfer funds to the jurisdictions.

FISCAL IMPACT

Not applicable. The amendment is needed for budgetary purposes and the seamless distribution of funding to jurisdictions, and to fund the Independent Tax Oversight Committee and NVTA-TA Administration expenses.



NAPA VALLEY TRANSPORTATION AUTHORITY-TAX AGENCY Board Agenda Memo

TO: NVTA Board of Directors
FROM: Kate Miller, Executive Director
REPORT BY: Antonio Onorato, Director, Administration, Finance and Policy
(707) 259-8633 / Email: anonorato@nvta.ca.gov
SUBJECT: Public Hearing on the Approval of Resolution No. 22-03-TA, Revised
Amending the Fiscal Year (FY) 2023-24 Annual Operating Budget

RECOMMENDATION

That the Napa Valley Transportation Authority-TA Agency (NVTA-TA) Board:

- 1) Open the Public Hearing; and
- 2) Approve Resolution No. 22-03-TA, Revised (Attachment 1) amending the Fiscal Year (FY) 2023-24 annual operating budget and the associated annual appropriations limit of \$24,876,000 to \$26,785,000.

COMMITTEE RECOMMENDATION

None

BACKGROUND

NVTA-TA adopted a two-year biennial budget in May 2021. For the fiscal year ending June 30, 2024, projected revenues are likely to exceed what was budgeted. The excess Measure T pass through revenues generated cannot be distributed to the jurisdictions until there is a budget adjustment and increase in the appropriation limit, and any excess revenues over the appropriation limits are held in suspense until the Board approves a budget adjustment. Table 1 provides a comparison of the adopted budget and amended budget.

Table 1: Adopted and Amended Budgets

Jurisdiction	Adopted Budget	Amended Budget
City of Napa	\$9,885,000	\$10,600,000
County of Napa	\$9,476,000	\$10,300,000
American Canyon	\$1,841,000	\$2,100,000
St. Helena	\$1,882,000	\$1,882,000
Yountville	\$731,000	\$750,000
Calistoga	\$731,000	\$750,000
NVTA Admin	\$252,000	\$325,000
ITOC	\$78,000	\$78,000
TOTAL	\$24,876,000	\$26,785,000

ALTERNATIVES

The Board could decide not to approve the Amendment which would put the accounting out of compliance with generally accepted accounting procedures and would delay the financial audit for the tax agency, as well as delay revenue distributions to the jurisdictions for local streets and road maintenance.

ATTACHMENT

- (1) Resolution No. 22-03-TA, Revised

RESOLUTION No. 22-03-TA, REVISED

**A RESOLUTION OF THE
NAPA VALLEY TRANSPORTATION AUTHORITY – TAX AGENCY (NVTA-TA)
ADOPTING THE FISCAL YEAR (FY) 2022-23,
FISCAL YEAR (FY) 2023-24 BUDGETS, AND APPROPRIATIONS LIMITS**

WHEREAS, the Napa Valley Transportation Authority – Tax Authority (NVTA-TA) is designated the countywide administrator of Napa Countywide Road Maintenance Act funds, commonly known as Measure T; and

WHEREAS, on a biennial basis the NVTA-TA Board reviews and approves a budget for all Napa Countywide Road Maintenance Act funds; and

WHEREAS, NVTA held a public hearing on April 20, 2022, to consider public input on the proposed budget:

WHEREAS, the NVTA-TA Board of Directors adopted the original budget on May 20, 2021 for \$24,876,000; and

WHEREAS, the FY 2023-24 revenues and pass-through expenditures are expected to be higher than originally anticipated necessitating a need for an additional budget and appropriation adjustment; and

WHEREAS, NVTA held a public hearing on May 22nd, 2024, to consider public input on the proposed budget amendment;

NOW, THEREFORE, BE IT RESOLVED, that the NVTA-TA Board adopts the FY 2022-23 (FY23) Budget and Appropriations Limit in the amount of \$24,876,000; and the FY 2023-24 (FY24) Budget and the Appropriations Limit in the amount of \$26,421,000.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the NVTA-TA Board amends the FY 2023-24 Budget and the Appropriations Limit to the amount of \$26,000,000.

Passed and Adopted the 22nd day of May, 2024.

Liz Alessio, NVTA Chair

Ayes:

Nays:

Absent:

ATTEST:

Laura Sanderlin, NVTA Board Secretary

APPROVED:

Osman Mufti, NVTA General Counsel

Napa Valley Transportation Authority

625 Burnell Street
Napa, CA 94559

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

*This meeting is also being noticed as a Board of Supervisors' meeting due to having 2 current Board Members (Supervisors Pedroza and Gregory) and 1 Supervisor-Elect (Councilmember Alessio) at the NVTA Board of Directors meeting.

Wednesday, April 17, 2024

1:30 PM

JoAnn Busenbark Board Room

1. Call to Order

Chair Alessio called the meeting to order at 1:30pm.

2. Approval of Board Member Requests for Remote Participation

None

3. Roll Call

Present: 12 - Alfredo Pedroza
Leon Garcia
Paul Dohring
Mark Joseph
Liz Alessio
Scott Sedgley
Margie Mohler
Donald Williams
Anna Chouteau
Ryan Gregory
Kevin Eisenberg
Robin McKee-Cant

4. Adoption of the Agenda

Motion MOVED by GARCIA, SECONDED by CHOUTEAU to APPROVE Item 4 Adoption of the Agenda. Motion passed unanimously.

Aye: 12 - Pedroza, Garcia, Dohring, Joseph, Alessio, Sedgley, Mohler, Williams, Chouteau, Gregory, Eisenberg, and McKee-Cant

5. Public Comment

Public comment made by American Canyon resident, Justin Hole about Earth Day activities for the weekend.

6. Chairperson's and Board Members' Update

None

7. Executive Director's Update

Executive Director Miller reported that proposed Measure U was approved by all 6 jurisdictions and the expenditure plan and ordinance will be brought for approval at the May Board meeting.

8. CONSENT AGENDA ITEMS

Motion **MOVED** by JOSEPH, **SECONDED** by SEDGLEY to **APPROVE** Item 8 Consent Agenda. Motion passed unanimously.

Aye: 12 - Pedroza, Garcia, Dohring, Joseph, Alessio, Sedgley, Mohler, Williams, Chouteau, Gregory, Eisenberg, and McKee-Cant

8.1 Meeting Minutes of March 20, 2024 (Laura Sanderlin) (Pages 7-9)

Attachments: [Draft Minutes](#)

8.2 Resolution No. 23-03-TA, Revised, Amending the Regular Meeting Time of the Napa Valley Transportation Authority-Tax Agency (NVTA-TA) Board of Directors for Calendar Year (CY) 2024 (Laura Sanderlin) (Pages 10-15)

Attachments: [Staff Report](#)

9. PRESENTATIONS

9.1 Sales Tax Feasibility Survey Summary Presentation (EMC Research)

Sara LaBatt, EMC staff, presented survey results.

Board requested for polling information categorized by region to be distributed.

10. FUTURE AGENDA ITEMS

None

11. ADJOURNMENT

Chair Alessio adjourned the meeting at 2:14pm.

11.1 The next Regular Meeting is Wednesday, May 22nd.

Laura M. Sanderlin, NVTA-TA Board Secretary



NAPA VALLEY TRANSPORTATION AUTHORITY-TAX AGENCY COVER MEMO

SUBJECT

First Reading and motion of intent to adopt Napa Valley Transportation Authority – Tax Agency (NVTA-TA) Ordinance No. 2024-01 enacting the Napa Valley Transportation Improvement Act and Expenditure Plan, which prescribes, pending voter approval, the imposition, division, distribution, and administration of a Retail Transaction and Use Tax under Section 180000 et seq. of the California Public Utilities Code

STAFF RECOMMENDATION

That the Napa Valley Transportation Authority- Tax Agency (NVTA-TA) Board:

- 1) Introduce the first reading of NVTA-TA Ordinance No. 2024-01, the Napa Valley Transportation Improvement Act and Expenditure Plan “Measure U” (Attachment 1) (the “Ordinance”), by title only and waive oral reading of the full Ordinance.
- 2) That the NVTA-TA Board direct the Executive Director to prepare and cause to be published a summary of the Ordinance and bring the Ordinance back to the NVTA-TA for final approval at the June 26, 2024 NVTA-TA Board meeting.

EXECUTIVE SUMMARY

The NVTA-TA Board released the draft Measure U Ordinance and Expenditure Plan at their February 2024 meeting for circulation to the member jurisdictions’ governing bodies and approval of the Expenditure Plan. As of April 16, 2024, all member jurisdictions have approved the Expenditure Plan. The next step is for the NVTA-TA Board to approve the final Measure U Ordinance and Expenditure Plan for submittal to the County Board of Supervisors and placement on the November ballot.

Approval today of the first reading and intent to adopt will allow the NVTA-TA Board to consider final adoption of the Ordinance at the next regular meeting (June 26, 2024) and request the Board of Supervisors to place the Ordinance on the November 2024 ballot for voter approval.

FISCAL IMPACT

As required by Public Utilities Code Section 180203, the Authority will reimburse Napa County for the costs associated with conducting the special election to obtain voter approval if the measure is approved. The costs of the election will be determined by the Napa County Registrar of Voters once all ballot measures have been determined.



NAPA VALLEY TRANSPORTATION AUTHORITY-TAX AGENCY Board Agenda Memo

TO: NVTA-TA Board of Directors
FROM: Kate Miller, Executive Director
REPORT BY: Danielle Schmitz, Director of Capital Development and Planning
(707) 259-5968 / Email: dschmitz@nvta.ca.gov
SUBJECT: First Reading and motion of intent to adopt Napa Valley Transportation Authority – Tax Agency (NVTA-TA) Ordinance No. 2024-01 enacting the Napa Valley Transportation Improvement Act and Expenditure Plan, which prescribes, pending voter approval, the imposition, division, distribution, and administration of a Retail Transaction and Use Tax under Section 180000 et seq. of the California Public Utilities Code

RECOMMENDATION

That the Napa Valley Transportation Authority- Tax Agency (NVTA-TA) Board:

- 1) Introduce the first reading of NVTA-TA Ordinance No. 2024-01, the Napa Valley Transportation Improvement Act and Expenditure Plan “Measure U” (Attachment 1) (the “Ordinance”), by title only and waive oral reading of the full Ordinance.
- 2) That the NVTA-TA Board direct the Executive Director to prepare and cause to be published a summary of the Ordinance and bring the Ordinance back to the NVTA-TA for final approval at the June 26, 2024 NVTA-TA Board meeting.

COMMITTEE RECOMMENDATION

The Technical Advisory Committee (TAC) recommended the NVTA-TA Board approve the Napa Valley Transportation Improvement Act Ordinance and Expenditure Plan at their May 2, 2024 meeting.

BACKGROUND

NVTA-TA in coordination with Joint Powers Authority (JPA) partners have developed a proposed Ordinance and Expenditure Plan that would replace Measure T, the Countywide Road Maintenance Act, passed in 2012, so that transportation sales tax

revenues work better for residents, visitors, and the workforce by improving roadway conditions and reducing traffic congestion.

Measure T was approved by the voters in 2012. The Measure became operative in 2018 and will expire in 2043, generating roughly \$25 million annually. It stipulates a fixed percentage distribution to each jurisdiction for maintaining and repairing local streets and roads. NVTA staff have focused recent efforts to make the Measure revenues more effective for residents and visitors by improving Pavement Condition Index (PCI) scores and reducing traffic congestion. All changes to the Ordinance have been vetted through the Measure's steering committee, including a technical steering committee made up of the public works directors. The most substantive change to the Ordinance language since the February NVTA-TA Board meeting is the Maintenance of Effort language.

- Maintenance of Effort (MOE) - Under Measure T, the MOE was based on a 3-year average (FY 2008-2010) of general fund expenditures. The Measure U MOE will be indexed to 20% of sales tax revenues a jurisdiction receives annually. The year of index would be the jurisdiction's most recent audited year. Once the first year's MOE has been set, each following year the agency will be subject to an MOE of 20% of the jurisdiction's most recent audited fiscal year any increase shall not exceed 2% of the prior year's MOE. Jurisdictions would be allowed to meet this requirement using a five-year average, should a jurisdiction not be able to meet it in a single year.

No other substantive changes have taken place since the February 21, 2024 NVTA-TA Board meeting when the Board approved releasing the draft Measure U Ordinance and Expenditure Plan to the jurisdictions. All jurisdictions' governing bodies have reviewed the Ordinance and approved the Expenditure Plan therein.

This is a first reading of the Ordinance with a second reading scheduled for the NVTA-TA Board meeting on Wednesday, June 26, 2024, at 1:00 PM for final adoption.

ALTERNATIVES

The Board could decide not to approve the first reading of the Ordinance which would delay the approval of the Ordinance and result in not submitting the Ordinance to the Napa County Registrar of Voters on time for placement on the November 2024 ballot.

ATTACHMENT

- (1) NVTA-TA Ordinance No. 2024-01
- (2) Ordinance Comment Matrix

**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 amends and replaces a retail transaction 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.

SECTION 2. EXPENDITURE PLAN PURPOSES: The purpose of this Ordinance is to provide programmatic funding for the implementation of the Napa Valley Transportation Improvement Act Expenditure Plan “Expenditure Plan” attached hereto. The Expenditure Plan identifies the following improvements (including “projects” and “programs”):

- A. The Local Streets and Roads Maintenance Program:** Projects for Maintenance, Reconstruction or Rehabilitation of Local Streets and Roads
 - i. Up to five percent (5%) of Local Street and Roads Cities, Town, and County allocations may be used for other transportation projects including roadway capacity projects.
- B. Regional Transportation Enhancement Program:** Projects for improvement of Highways
- C. Transit fare subsidies**

These improvements shall be funded by a one-half of one percent transactions and use tax established for a thirty (30) 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 in the Expenditure Plan. 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.

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, and 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, shall be used to fund the Expenditure Plan set forth herein. The Expenditure Plan includes an allocation of two percent (2.0%) of the net revenues for the Authority's costs of administration, including the costs identified for annual financial and biennial performance audits in Ordinance Sections 11 and 13. 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 eligible to receive this funding is provided in the following sections. The annual revenues shall be allocated under the Expenditure Plan as follows:

A. Local Streets and Roads Maintenance Program: Subject to Paragraph B, 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 Roads 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. However, up to (5%) of allocations distributed to each Agency for the Local Streets and Roads Maintenance Program may be used on other transportation projects.

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 1, 2025 and every successive five (5) years. The total revenues distributed to the Agencies for local streets and road maintenance and rehabilitation will be net of costs associated with administration (not to exceed 2%), six million (\$6 million) allocated to the Napa Valley Transportation Authority for the regional program in the first 5 years, and debt service on bonds issued for capital projects administered by the Napa Valley Transportation Authority. The cost of debt service on bonds issued for an individual Agency will be borne by the individual Agency.

The Cities of American Canyon, Calistoga, Napa, and St. Helena, and the Town of Yountville will receive a percentage distribution based on the proportionate sales tax generation in each respective jurisdiction, which will be calculated using the average of the three most recent audited years of sales tax generations per the Ordinance. The County will receive an amount based on fifty percent (50%) sales tax generation within the unincorporated County calculated using the average of the three most recent audited years of sales tax generations and fifty percent (50%) proportionate lane miles in the unincorporated County. An Agency will receive no

less than three percent (3%) of the Local Streets and Roads Maintenance revenues. 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%). Attachment 2 provides an example calculation of the Local Street and Road formula.

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 dollar amount 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 twenty percent (20%) of the requirement may be met by routine maintenance expenditures. This obligation may be fulfilled by the Agencies collectively and NVT. Eligible funds sources may include Congestion Mitigation and Air Quality Improvement (CMAQ) funding (or its successor), other local or formula specific funds, including excess funding committed to equivalent fund projects under the Countywide Road Maintenance Act, 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 \$56 million as included in the Expenditure Plan.
- D.** Administration: Costs, not to exceed two percent (2.0%) of the annual net 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:

Without raising taxes, shall the Napa Valley Transportation Authority implement an updated Transportation Expenditure Plan to repair roads and improve highways,

fix potholes; reduce traffic congestion; improve evacuation routes; make transit more affordable for veterans, seniors, students and people with disabilities; and make biking and walking safer; by continuing its ½ cent transportation sales tax with no increase, providing \$25,000,000 annually for 30 years, with citizen oversight, and all funds dedicated to serving transportation needs in Napa County?

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 the operative date of this Ordinance, and upon adoption of resolution by the Authority, 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 the aggregate principal amount at any one time outstanding of 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 and Expenditure Plan. The authority to issue bonds hereunder shall include the authority to issue bonds on behalf of the Authority or any Agencies listed herein.

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 23 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 (ITOC) 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 revenues provided from this Ordinance, 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 Section 11. To meet the Maintenance of Effort requirement, each Agency will expend, in the first year the Ordinance is active, at a minimum, the equivalent of twenty percent (20%) of the Agency’s most recent audited year 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. For each year following, each Agency will be subject to a Maintenance of Effort of twenty percent (20%) of the Agency’s most recent audited year but not to exceed more than two percent (2%) of the prior year’s Maintenance of Effort amount. The 20% Maintenance of Effort calculations will be based on the most recent audited fiscal year available at the time of certification. 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 was met and documentation verifying the expenditures shall be provided to the Authority Auditor. Any Agency that does not meet its local maintenance of effort requirement for a five-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 five 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 Ordinance 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 2.0% administration allocation.

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 administrative fees from the 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) ITOC 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.
 - f. Two members from the public at-large.
- 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 the ITOC

- 1) The voting ITOC members shall serve a two, three, and four year term, determined by the drawing of lots. Thereafter, ITOC 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 ITOC 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. ITOC members are not entitled to a stipend if a meeting is canceled.
- 3) The voting ITOC 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 ITOC 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 ITOC 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 120 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 percent (2.0%) of the net revenues generated by the Ordinance. As a part of these administrative expenditures, no more than one percent (1.0%) of net revenues shall be used for salaries, wages, or benefits of Authority staff.
- B. Administrative expenditures subject to this two percent limitation 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, legal matters and fare subsidies per the expenditure plan.

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 operative on the date defined by Ordinance Section 30(H). It is intended that this Ordinance shall be operative 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 a date at least 110 days after notice to the CDTFA. Concurrently with the operative date of this Ordinance, Measure T will be repealed in its entirety and replaced by this Ordinance. There shall be no concurrent assessment of the tax imposed by 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 CDTFA.

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, CDTFA, 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 CDTFA, 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, their 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 Board members of the Authority. No amendment may, eliminate the Local Street and Roads Maintenance Program funding as outlined in Section 3A. 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.

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 5 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 each city, town, and county that is a part of the membership of the Authority per Section 180051 of the Public Utilities Code, each of which is located 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. *Capacity* includes any overlay, including the placement or replacement of base materials and any sub-grade work or widening of a local street or road and/or highway. This includes additions, changes, reconstruction of infrastructure directly associated with the function of a local street or road and/or highway, including projects to improve accommodate traffic volume and traffic flow. It also includes any additions necessary to incorporate bicycle and/or pedestrian facilities in the Authority’s Countywide Active Transportation Plan or any local agency’s adopted active transportation plans and any improvements or alternations necessary to the roadway and/or pedestrian or bicycle travel ways to improve overall circulation and meet Americans with Disabilities Act requirements.
- D. *Effective Date* means the date the measure was passed by the electorate.
- E. *Funding Exchange* means borrowing from or replacing project funding with another funding source to accelerate project delivery.

- F. *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.
- G. *Infrastructure* means any components within the public right-of-way necessary to support the customary use of a roadway and includes road pavement (including but not limited to asphalt and concrete), sub-grade, excavation, grading, earthwork, retaining walls, guard rails, curb, gutter, sidewalks, curb ramps, surface and subsurface drainage, traffic control devices, replacement roadway lighting, striping, pavement marking and signage, and intelligent transportation systems.
- H. *Local Streets and Roads* means Infrastructure located within the public right of way of any local Agency street or road or highway right-of-way in Napa County.
- I. *Maintenance* means repair, reconstruction or rehabilitation, and/or replacement of streets, roadways, and other infrastructure within the public right-of-way.
- J. *Napa Valley Transportation Improvement Act Expenditure Plan or 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 set forth in Attachment 1, 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, the provisions of Attachment 1 shall prevail.
- K. *Net Revenues* means total sales tax revenue generated by this Ordinance, less the deductions defined by the Expenditure Plan related to charges from the California Department of Tax and Fee Administration, costs of conducting the election by the County of Napa, and debt service payments on bonds for Authority projects.
- L. *Operative Date* means the date the tax begins to collect revenue under Ordinance Section 7, in accordance with Section 180204 of the Public Utilities Code.
- M. *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 a 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 be included in the agency's five-year project list approved by the agency's governing body.

- N. *Reconstruction or Rehabilitation* includes changes to infrastructure, including replacement and/or pavement surface treatments, the placement or replacement of base materials and/or any sub-grade work, the widening of the roadway, if the widening is necessary to conform with the geometric design criteria of the State of California or any local design standards. This includes 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 and/or transit facilities called for in the Authority's Countywide Active Transportation Plan or adopted local agency plans, and any improvements or alterations necessary to the roadway and or pedestrian or bicycle travel ways to improve overall circulation and to meet Americans with Disabilities Act requirements.
- O. *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.
- P. *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.
- Q. *Total Revenue* means Total Revenues received by the Authority.

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 February 21, 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

- Attachments: (1) Napa Valley Transportation Improvement Act Expenditure Plan
(2) Local Street and Road Example Formula

ATTACHMENT 1

**NAPA VALLEY TRANSPORTATION IMPROVEMENT ACT EXPENDITURE
PLAN**

Revenues received by the Authority from the transactions and use tax imposed pursuant to NVTA Ordinance No. 2024-01 shall be used to fund the improvements (including “projects” and “programs”) as described in this Expenditure Plan, after first deducting: (a) the fees charged by the California Department of Tax and Fee Administration (“CDTFA”) to administer and operate the ordinance under Section 180204(b) of the Public Utilities Code; (b) reimbursement to the County of Napa for its cost in conducting the election under Section 180203(a) of the Public Utilities Code ; and (c) only two percent (2.0%) of the net revenues shall be allocated to the Authority to be expended for costs of administration. The remaining revenue shall first be allocated to the Regional Transportation Enhancement Program, and then allocated to the Local Streets and Roads Maintenance Program. 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, 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 \$56 million dollars and associated debt service expenses, and the Authority’s administration fees of two percent (2.0%), 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. Up to five percent (5%) of Agencies’ Local Streets and Road Maintenance Program can be used on other transportation projects, including capacity projects.

No revenues derived from this Ordinance shall be apportioned to regional projects until bonds are sold, except six million (\$6 million) in pay-go funds to Napa Valley Transportation Authority for capital projects in the first five-years of the Ordinance. Local Agency apportionments will be net of debt service payments associated with the bonds issued to fund regional projects. Debt service associated with bonds issued to fund local projects will be deducted from that Agency’s annual Local Streets and Roads allocation.

If for some reason a regional project or program is infeasible and funds remain in the program, funding from the regional program will be distributed to the Local Street and Road Maintenance Program based on the prescribed formula.

The initial estimated distribution of funding for the Local Streets and Maintenance Program is:

Project	Percentage Distribution
American Canyon	8.0%
Calistoga	3.0%
City of Napa	40.2%
Napa County	38.8%
St. Helena	6.6%
Yountville	3.4%
Total	100.0%

The percentage distribution and estimated Transaction and Use Tax is based Fiscal Years 2020-21, 2021-22, and 2022-23 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.

Regional Transportation Enhancement Program

Regional funds may be used on any of the Regional Transportation Enhancement programs and/or projects and may not exceed \$56 million, excluding Low-Income Transit Subsidies, which will be paid for out of the Authority's administrative allocation.

<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 \$56 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– may include highway system adaptive messaging signs and Vine Transit emergency evacuation operations, or other transportation projects related to emergency evacuation routes.</u>	
<u>Low Income Transit Subsidies</u>	
<u>Fares for Veterans, Persons with Disabilities, Seniors, and Students</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.

ATTACHMENT 2

Local Street and Road Example Formula

Column Number	A	B	C	D	E	F	G
Jurisdiction	Return to Source Amount		Lane Miles		Sub-total	Final Distribution	3% Floor
	Value (in 1,000s)	%	Value	%	County = (B+D)/2; Cities=B	Normalize to 100%	
American Canyon	\$ 3,261	8.9%	112.8	7.5%	8.9%	8.0%	8.0%
City of Napa	\$ 16,493	45.0%	467.6	31.0%	45.0%	40.3%	40.2%
Yountville	\$ 1,401	3.8%	16.6	1.1%	3.8%	3.4%	3.4%
St. Helena	\$ 2,703	7.4%	51.5	3.4%	7.4%	6.6%	6.6%
County of Napa	\$ 11,665	31.8%	828.7	55.0%	43.4%	38.9%	38.8%
Calistoga	\$ 1,131	3.1%	30.6	2.0%	3.1%	2.8%	3.0%
Total	\$ 36,654	100.0%	1,507.8	100.0%	111.6%	100.0%	100.0%

The above Local Streets and Road Formula is an illustrative example of the formula calculation and is subject to change upon the five-year update.

Sales Tax Measure Draft Ordinance Comment Matrix

ID	Jurisdiction	Section	Pg. #	Comment	NVTA Response
1	Calistoga	3A	3	Measure revenues should be able to be used to meet the 7% Equivalent fund requirement.	NVTA staff explored this option but it was not supported by the public works directors or the Vine Trail Coalition. Regional projects receiving Measure revenues can count toward the 7% equivalent fund requirement if the project includes a Class I and/or Class IV project element.
2	Calistoga	6	4	Request to add "with approval of all agencies" for bond issuance	NVTA staff would have to go to the NVTA-TA Board to issue a bond and to the NVTA Board to enter into any sort of contract using Bond proceeds. NVTA is changing language to read with "approval from the NVTA-TA Board".
3	Calistoga	11	5	Request to add specific language about activities that are eligible for Local Street and Road rehabilitation.	NVTA staff recommends keeping the language as is as specificity is likely to constrain eligibility. Staff believes it is important to keep the language broad to ensure technology and regulatory changes can be accommodated without going back to the voters. Staff believes that the current language covers all the specific activities that Calistoga has listed.
4	Calistoga	24	16	Question about the 99% reference.	NVTA staff will strike as it was an oversight - the language refers to obsolete Measure T ordinance language regarding the LSR funds
5	Calistoga	30I	19	Request to strike language from definition of a project referencing it must appear in a capital budget.	This language was carried over from Measure T. Staff recognizes that not all Measure projects may appear in a capital budget as a separate stand alone project, and recommends modifying the language to require the agency by resolution approve the project 5-year list and any subsequent modifications to the list, affirming that it is budgeted and appears in an Agency's capital project program.
6	Calistoga	Exp Plan	21	Question about the \$80 million being a one-time or annually	The \$80 million is the maximum amount committed to regional capital projects in the budget. The funding would be advanced through bond issuances over a 10-15 year period depending on project delivery schedules. Other factors that will determine bond issuances include interest rates, project readiness and matching funds available and secured. The jurisdictions would still receive annual pay-go funds net of regional project debt payments.
7	Calistoga	Exp Plan	21	Question about if the local agencies bond for their local projects they should be paying debt proportionally to how much they are borrowing.	Correct, jurisdictions wishing to bond for local projects will pay for the debt service on those bonds by it being deducted from their annual pay-go funds.
8	Calistoga	Exp Plan	21	Question about the minimum floor of 3% and asking that it remain 3% even if it is beyond a 1% subsidy	The Executive Steering Committee has an indicated support for a 3% floor without the 1% variance requirement. NVTA staff will present this option to the full NVTA-TA board for discussion and direction.

Sales Tax Measure Draft Ordinance Comment Matrix

ID	Jurisdiction	Section	Pg. #	Comment	NVTA Response
9	Calistoga	Exp Plan	22	Question about the amount of funding that was committed to state highways in the draft measure, and what is Caltrans committing to the regional capital projects given it is Caltrans' right of way.	The polling came back very positive for projects that reduce traffic congestion on the state highway system, like Soscol Junction. Caltrans revenues are constrained and therefore prioritize only maintenance and safety improvements which are funded in the State Highway Operations and Protection Program (SHOPP). Any improvements to the state infrastructure desired by local jurisdictions to improve operations must be funded with other funds sources. The regional projects identified in the expenditure plan represent \$400 million and the \$80 million will be used to leverage state and federal funds (much like the STIP was used to leverage the SB 1 funding for Soscol Junction). Contributing local funds to highway projects significantly reduces Caltrans' overhead burden imposed as part of the project approval and oversight.
10	American Canyon	General		How is the NVTA-TA going to assure a jurisdiction doesn't bond more than what they will receive if local sales taxes decline?	Staff recommends that bond issuances will be capped at a percent of projections imposed by bond underwriters to prevent an individual jurisdiction from exceeding its total 30 year allocation. NVTA staff further recognizes that the rate of bonding by the jurisdictions may result in the pay-go element of an individual jurisdiction ending prior to the 30-year period. NVTA staff and its consultants will monitor the program to ensure the optimization of tranches, repurchase agreements, and spending rates.
11	American Canyon		1	Requests that NVTA-TA "(Authority)" be changed to (Tax Agency) in the ordinance	The language defining the NVTA-TA is established as Authority early on in the ordinance and therefore does not meet NVTA.
12	America Canyon		1	Request to change the language, "This Ordinance continues a retail transaction" to "This Ordinance establishes a retail transaction..."	NVTA is continuing a sales tax. NVTA staff recommends keeping the language as is.
13	American Canyon	30		Would like to move the definitions to the beginning of the ordinance to section 2	NVTA staff is recommending that the definitions remain at the end, consistent with other ordinances including Measure T.
14	American Canyon	30D		Made clarifications to definition	accepted
15	American Canyon	30F		Made clarifications to definition	accepted
16	American Canyon	30G		Made clarifications to definition	accepted most language changes
17	American Canyon	30I		Made clarifications to definition	NVTA staff will remove the capital budget language and replace with must be approved by the agency and show up in the 5-year plan consistent with item 5 above.
18	American Canyon	30		Would like to create a definition for Subsidy Program	NVTA staff doesn't think the language is necessary and may confuse the public on the objective to subsidize low-income fares with another project not funded with the Measure.
19	American Canyon	30		Would like to create a definition for Expansion	There is nothing that refers to expansion in the expenditure plan currently, capacity would be a better term; and adding a definition for this may be considered depending on the Board policy discussions about project flexibility.

Sales Tax Measure Draft Ordinance Comment Matrix

ID	Jurisdiction	Section	Pg. #	Comment	NVTA Response
20	American Canyon	30L		Made clarifications to the definition and deleted highway right of way	NVTA staff acknowledges the issue pointed out by American Canyon and will refine the language but recommends retaining highway right of way since some local agencies assume responsibility for or share state right of way (e.g. St. Helena).
21	American Canyon	2	3	Made clarifications and edits to section 2 Purpose and Need	accepted
22	American Canyon	3	4	Made minor text edits to the expenditure plan summary	accepted
23	American Canyon	3C	5	Struck "capital" in section C and replaced with "Transportation"	Keep as is, if it reads Regional Transportation Improvement Program it may be confused with the RTIP
24	County of Napa	Exp plan		Make it clear NVTA is issuing debt on the \$80 million and jurisdictions apportionments will be net debt payment associated with the \$80 million and admin fees capped at 2.5%	accepted
25	City of Napa	Bonding		Who is NVTA using for the bond counsel and debt scenario modeling?	NVTA will not be selecting any consultants until after the measure has passed.
26	City of Napa	Bonding		What requirements/restrictions have the bond professionals shared related to the delivery of capital projects in both terms of delivery times and for completion of specific components—for example can a phase to develop the design and an environmental document be standalone components without a completed piece of infrastructure delivered? What are the performance timeframes?	NVTA has not selected consultants at this time. Existing bond modeling prepared in coordination with KNN to help frame the draft measure envisions the performance period for a bond issuance to be five years.
27	City of Napa	Bonding		Because the debt is off the top, the projected debt service is important to understand the remaining funds that will be allocated to the local agencies. Please share modeling for debt payment structure	NVTA staff shared financial modeling with the City of Napa and other jurisdictions, which illustrated project debt issuance and payments for the \$80 million underscoring that the modeling was based on very conservative projections about fund growth and bonding costs. NVTA staff cannot provide anymore detail at this time because it is unknown when the regional capital projects will actually be delivered. Project delivery will be driven by grant opportunities, staffing, and how the market and economy are performing (to understand the feasibility bringing funding forward).
28	City of Napa	Bonding		Question about the modeling and debt payments over the life of the Measure for the \$80 million bonding	NVTA staff shared financial modeling with the City of Napa and local jurisdictions that includes the annual (pay-go) amounts.
29	City of Napa	Exp Plan		Please provide the percentages for each component of the expenditure plan as part of the summary of changes. The Measure T agency allocations and the new Measure allocations are easily misinterpreted because the new Measure LSR distribution are after Admin and debt payments for the regional projects come off the top.	NVTA staff has made every effort to be transparent about the modeling and have been forthright that the LSR percentage distribution was to represent the new formula and it was never intended to show the actual revenues that would be received by the jurisdictions - those were shown separately as totals. NVTA staff have further provided detailed annual pay-go amounts. NVTA has on several occasions reminded jurisdiction staff that these figures are based on modeling. Actuals will not be known until the Measure is operative.
30	City of Napa	General		The PCI data being shared is not accurate for the City of Napa because the StreetSaver Model doesn't accurately account for the cost of the concrete work of a street (sidewalk, curb and gutter).	NVTA staff will reduce the revenues put into StreetSaver to represent funds being used on sidewalk features.
31	City of Napa	1		Reference to government code section 67912 applies only to Placer County	checking with legal

Sales Tax Measure Draft Ordinance Comment Matrix

ID	Jurisdiction	Section	Pg. #	Comment	NVTA Response
32	City of Napa	General		ITOC not "committee" should be used consistently	accepted
33	City of Napa		3	Funding is expressed in 2024 dollars but no dollar amounts are included	NVTA staff will remove the sentence
34	City of Napa		2	1 There is ambiguity in the way the low-income transit fare subsidies are discussed. Should say that they are an allowable expense of the administration fee in section 2 (instead of "may be funded" because it could imply may be funded in addition to the 2.5%). Transit fares should be listed under section 14 if the intention is for admin free to cover as stated in expenditure plan.	NVTA staff will provide more clarity/consistency that the transit fare subsidies will be funded with NVTA's administrative fees.
35	City of Napa	3A		2 If the intention is to recalculate the allocation formula for the agencies in 2025, this should be clearly stated to the agencies. What 3 years will the agency be using?	NVTA staff will use the last three audited years and make that clear in the ordinance.
36	City of Napa	3A		2 It needs to be clear that if a local agency chooses to bond, the full cost of the bond debt must be paid from the agency allocation	NVTA staff agrees and will update the language to specify that a jurisdiction's annual allocation will be net of both their percentage of the debt service for the regional capital program and 100% of any debt associated with its bonding activity.
37	City of Napa	3A		2 Capital projects is not restricted in the amount or timing; the language needs to be tightened up to understand the annual impacts to the agency allocations	The draft expenditure plan states that the regional capital projects will not exceed \$80 million. NVTA staff do not envision issuing bond debt for the entire \$80 million at one time; and understands that additional safeguards are necessary to ease these concerns and will need to be built into the ordinance or expenditure plan. NVTA staff will work with the technical committee on the language.
38	City of Napa	3A		Language should be added the NVTA Board (not NVTA-TA) needs to approve the regional capital improvement program, project expenditures, work plans, funding priorities, bonding, etc.	The NVTA-TA Board would issue the bond, the NVTA Board would approve capital expenditures for any of the regional projects including their budgets, contracts, expenditures, work plans, etc.
39	City of Napa	3A		2 A more detailed description of the calculation done every 5 years is needed to update the agency allocations and recommend an example of the recent calculation be added to the ordinance. What years will be used to calculate the July 2025 LSR formula? The most recent full year data would be closing on June 30, 2024.	NVTA staff will discuss adding an example of how the current LSR formulas would be calculated.
40	City of Napa	3A		2 There needs to be more detail about the 3% cap and subsidy	Noted and it will be discussed by the NVTA Board at the January meeting
41	City of Napa	3A		2 The discussion about basis of road miles and sales tax generation needs to be better described for future staff/public/auditors, including stating the countywide road mileage and the percent of countywide sales tax revenue generated per jurisdiction	NVTA staff will review and provide more clarity
42	City of Napa	3A		2 A more detailed definition of sales tax is needed as it applies to the allocation calculation. St. Helena has a higher sales tax rate than the rest of the county and it needs to be clear the additional local agency sales tax is excluded.	NVTA staff agrees. All of the modeling calculations are based on 1/2 cent sales tax using reports developed by NVTA's tax consultant.
43	City of Napa	3B		Section should reference the expenditures for class I facilities dating back to July 1 2018 and apply to the complying section and paragraph	Staff has noted that surplus equivalent fund projects will be carried over to the new sales tax but this is a reporting requirement and detail that should not be written in the ordinance but rather acknowledged by the NVTA-TA board.
44	City of Napa		8	Section 8 expenditure plan needs to reference section 23 not 21 for amendments	accepted

Sales Tax Measure Draft Ordinance Comment Matrix

ID	Jurisdiction	Section	Pg. #	Comment	NVTA Response
45	City of Napa	11		Concern that the MOE calculation will be too tight and suggest that the agency calculates MOE as 20% of budget year three years prior. Also, language about the "agency's prior year's local streets and road sales tax revenue" is confusing.	NVTA staff agrees that the previous year's sales tax receipts reporting would be tight and recommends it be based on the annual revenues from the most recent audited year.
46	City of Napa	24		Reference to the 99% being obsolete	Agreed and removed
47	City of Napa	Exp Plan	21	The expenditure plan should reference the amendment process in section 23	Agreed and will add language
48	County of Napa	Exp Plan		No money shall be apportioned to regional projects until bonds are sold	Agreed, the \$80 million will come from the sale of bonds
49	All	Exp Plan		Remove the word "Center" from Emergency Evacuation to keep the language broad.	Agreed, and removed
50	St. Helena	Exp Plan	24	Typo with St. Helena's 6.6.0%	Fixed to read 6.0%
51	City of Napa	Exp Plan	24	City of Napa would like to modify the expenditure plan to limit the loss of annual revenues to the city of Napa compared to the Measure T years. More than 45% of the sales tax is generated in the City of Napa and it is important the local sales tax measure supports street maintenance for the community.	NVTA and City will meet to discuss; but NVTA staff believes the City of Napa is not realizing the full beneficial impacts of the measure because the City is not accounting for the 12 additional years of revenue the Replacement Measure would provide the City.
52	City of Napa	Exp Plan	24	In recognizing the desire to develop important regional transportation projects, City staff submitted a revised proposal that would lessen the impact on City local streets and roads funding and would like response back on that proposal	For there to be a meaningful regional program the cap needs to be set at \$80m plus debt service. Many of the discretionary grant sources NVTA is in pursuit of require a 20% match. With a regional program of \$400 million, \$80m provides a meaningful program.
53	City of Napa	Exp Plan	24	The current expenditure plan has NVTA consuming 13% of the sales tax revenues and City of Napa is proposing to cap it at 8%	For there to be a meaningful regional program the cap needs to be set at \$80m plus debt service. Many of the discretionary grant sources NVTA is in pursuit of require a 20% match. With a regional program of \$400 million, \$80m provides a meaningful program.
54	City of Napa	Exp Plan	24	NVTA staff has described the regional projects will be supported by a tax exempt bond with the proceeds used for project initiation and pre-construction phases. The tax exempt bonds require an independent construction component be completed in 3 years. Please clarify how NVTA will use the bond proceeds in a timely manner on eligible costs.	Some of the regional projects can be completed under a design-build model with funds being expended in 3 years. In addition, NVTA has RM 3 funds that it can use on pre-construction phases as well as other federal and state formula funds that we are currently using on pre-construction phases. In addition, The NVTA-TA can approve a "Reimbursement Resolution" which will allow the Tax Agency to recoup pre-construction costs (soft costs) prior to the commencement of construction.
55	City of Napa	General		The PowerPoint presentation doesn't communicate the full impacts of a new measure in a transparent manner when the formula for LSR is compared side-by-side between Measure T and the New Measure. This is confusing to the public.	NVTA has been transparent that the regional funds and debt service on the regional funds would come off the top before the revenues would be allocated through the LSR formula. NVTA has always labeled that slide as LSR formula funds. We can further highlight that the LSR funds are less admin, the regional bond and debt service.
56	City of Napa	2	2	Grammar issue, need to add "in" in front of Expenditure Plan	Fixed

Sales Tax Measure Draft Ordinance Comment Matrix

ID	Jurisdiction	Section	Pg. #	Comment	NVTA Response
57	City of Napa	3A	2	Total revenues distributed needs to specify that it will exclude the bond debt for local agencies	NVTA staff agrees and will update the language to specify a jurisdiction's annual allocation will be net of both their percentage of the debt service for the regional capital program and 100% of any debt associated with its bonding activity.
58	City of Napa	3A	3	The LSR formula description needs more clarifications; for example, is it the percentage of lane miles countywide within the unincorporated area; recommend showing a sample of how the formula is calculated.	NVTA does not want to get too prescriptive in the ordinance and will provide more detail in the Measure Policies and Procedures document. To answer the question about lane miles it is the unincorporated county lane miles as reported in the MTC streets report.
59	City of Napa	3B	3	The Ordinance needs to include Equivalent fund language that allows for surplus Measure T equivalent fund expenditures to count towards the requirement of the new measure.	NVTA will review language in this section of the ordinance.
60	City of Napa	3C	3	Regional Capital Improvement Program should be limited to 6.5% including debt service	For there to be a meaningful regional program the cap needs to be set at \$80m plus debt service. Many of the discretionary grant sources NVTA is in pursuit of require a 20% match. With a regional program of \$400 million, \$80m provides a meaningful program.
61	City of Napa	3C	3	Administration should be limited to 1.5%	NVTA staff is covering the fees associated with bonding including consultants, lawyers, etc. and cannot administer the new measure on less than 2.5%; NVTA is also including the ITOC's responsibilities in the 2.5%.
62	City of Napa	6	4	It should be limited to carrying out the Expenditure Plan and nothing else	NVTA staff recommends deleting the last recital about including and not limited to the Expenditure Plan.
63	City of Napa	11	6	MOE needs to be based on three years prior, because the City, which does a two year budget uses actuals from 2 years prior to complete its budget and doesn't want to be in a situation to annually true up.	The language NVTA has is the most recent audited year, which should cover the city's concerns.
64	City of Napa	13	7	Would like to cap NVTA's admin at 1.5%	NVTA cannot carryout the responsibilities of being the bonding agent at 1.5%
65	City of Napa	14	11	Modify the admin percent to 1.5% max	NVTA cannot carryout the responsibilities of being the bonding agent at 1.5%
66	City of Napa	Exp Plan	23	The City of Napa proposes \$80 million for regional projects including associated debt service, not \$80 million plus debt service.	For there to be a meaningful regional program the cap needs to be set at \$80m plus debt service. Many of the discretionary grant sources NVTA is in pursuit of require a 20% match. With a regional program of \$400 million, \$80m provides a meaningful program.
67	City of Napa	Exp Plan	23	It says the estimated funding for LSR and Maintenance Program is (millions of dollars) but there is no dollar amounts	Agreed. Will strike the language.
68	City of Napa	Exp Plan	24	In the LSR funding table include the % for admin and max capital %. Add if the capital projects are infeasible, the funding would be distributed in proportion to the local agencies.	NVTA is recommending keeping the Admin at 2.5%. NVTA can add language to distribute regional funds by the LSR formula should a regional project become infeasible.
69	City of Napa	Exp Plan	24	Transportation Enhancement Projects Amount of \$80 million should include debt service.	For there to be a meaningful regional program the cap needs to be set at \$80m plus debt service. Many of the discretionary grant sources NVTA is in pursuit of require a 20% match. With a regional program of \$400 million, \$80m provides a meaningful program.
70	City of Napa	1	1	language "amends and replaces" instead of "continues"	accepted

Sales Tax Measure Draft Ordinance Comment Matrix

ID	Jurisdiction	Section	Pg. #	Comment	NVTA Response
71	City of Napa	2	1	language add "improvements (including "projects" and "programs")	accepted
72	City of Napa	2A	1	language add "The Local Streets and Roads Maintenance Program:	accepted
72	City of Napa	2B	1	Language add "Regional Transportation Enhancement Program"	accepted
73	City of Napa	3	2	General language clean-up	accepted
74	City of Napa	3A	2	General language clean-up	accepted
75	City of Napa	3B	3	General language clean-up	accepted
76	City of Napa	6	4	language "the operative date" instead of "voter approval"	accepted
77	City of Napa	11	6	Unlike Measure T, the MOE will change every year. It is essential to each agency that we are able to accurately develop citywide budgets to program the required general fund revenues for street maintenance activities. Therefore, the ordinance must use actuals from several years prior. I have made this comment a couple of times before. So the City of Napa will prepare our FY 25/26 & 26/27 budgets in early 2025. In early 2025, only the actuals for FY 23/24 will be available. This means 20% of revenue from 3 years prior in order to ensure general fund is programmed.	NVTA staff agrees that the previous year's sales tax receipts reporting would be tight and recommends it be based on the annual revenues from the most recent audited year.
78	City of Napa	12	6	general language clean-up	accepted
79	City of Napa	13A	8	general language clean-up	accepted
80	City of Napa	13D	10	180 days prior will be early Jan 2025. 120 days would be easier to achieve. Is this the same language from Measure T...if so there will be overlapping ITOC's.	NVTA has no issue changing to 120 days
81	City of Napa	14	11	General language clean-up	accepted
82	City of Napa	18	12	General language clean-up	accepted
83	City of Napa	21	14	General language clean-up	accepted
84	City of Napa	23	19	Does the 2/3 vote mean board members or agency members	clarified it is a vote of Board members of the Authority for the expenditure plan amendment.
85	City of Napa	27	20	Corrected to section 45	accepted
86	City of Napa	30	20	Definitions should be reordered alphabetically	accepted
87	City of Napa	30H	22	Operative Date clarification	accepted
88	City of Napa	30K	22	Added language to definition of capacity	accepted
89	City of Napa	30L	22	RTIP definition reference - City says it is not relevant to the Measure	NVTA is recommending it remain as it was included in Measure T and we would like to make minimal changes
90	City of Napa	30Q	24	Added language to definition of Net Revenues	accepted
91	City of Napa	Exp Plan	26	Accepted language clean-up in first paragraph and added the FYs for the LSR Revenue Formula	accepted
92	NVTA	3D	3	Remove "Actual". This word conflicts with the other language in the Ordinance.	accepted
93	City of Napa	11	6	City of Napa would like to modify the MOE language to reflect a 2% growth cap on MOE expenditures from the previous year's amount	accepted - NVTA has modified the language to reflect a 2% cap from prior year's MOE amount
94	City of Napa	11	6	Add an exception for MOE if there is a decline in an agency's total general fund revenue and major revenue impact the MOE requirement would not be applied for the year.	NVTA modified the MOE language to for an agency that does not meet their MOE for a single year, they would be able to meet it for a five year average. This coupled with the 2% cap on previous year's MOE should assuage the City's concern.