



TO: Mayor and Councilmembers

FROM: Steve Wagner, Community Services Director

CONTACT: Marti Schultz, Principal Civil Engineer

SUBJECT: Measure D Two-Year Program of Projects for FY 2008-2009 through FY 2009-2010

RECOMMENDATION:

- A. Conduct a public hearing on the Measure D Two- Year Program of Projects for FY 2008-2009 through FY 2009-2010; and
- B. Adopt Resolution No. 08-__ entitled "A Resolution of the City Council of the City of Goleta, California Adopting the Measure D Two-Year Local Program of Projects FY 2008-2009 through FY 2009-2010".

BACKGROUND:

In 1989 the voters of Santa Barbara County approved Measure D establishing the Santa Barbara Transportation Improvement Program. As a result, the local sales tax was increased ½ cent for a period of 20 years. The revenues generated by the tax increment are split between local (70%) and regional (30%) transportation programs. Since the Measure D program sunsets in FY 2009-2010, the City will not receive any Measure D funds for road maintenance purposes starting in FY 2010-2011 unless a new sales tax measure is approved by the voters.

The Santa Barbara County Association of Government (SBCAG) is the designated Local Transportation Authority and is responsible for the administration of the Measure D program and the allocation of revenues to the local agencies.

In the past, SBCAG has provided a five-year estimate of Measure D revenues. However since the current measure will expire in 2010 a two year program of projects is proposed. Attachment 4 to this report includes the Measure D Local Allocation Rules FY 2008-2009.

As in previous years SBCAG has calculated each jurisdiction's allocation amounts in accordance with the implementing ordinance. In order to receive its annual allocation of Measure D funds, the City of Goleta is required to prepare and adopt a two-year capital expenditure program for Measure D tax revenues. This approval process must be done

at a public hearing. The approved two-year program is then forwarded on to the SBCAG for adoption.

DISCUSSION:

Staff has prepared a draft two-year program of projects based on the estimated Measure D revenue projections provided by SBCAG. This year's proposed two-year program of projects is similar to last year's program. A majority of each year's Measure D allocation is dedicated to the City Street Improvement and Reinvestment Program. The two year estimate of Measure D two-year program of projects for FY 2008-2009 through FY 2009-2010 is included as Exhibit A to the attached Resolution.

A brief description of each line item of the proposed two-year program of projects is as follows:

Street Maintenance and Improvements: This expenditure provides for a portion of the costs associated with City's annual Pavement Rehabilitation Project. A draft list of streets to be included in the FY 2008-2009 Street Improvement Program is included in Attachment 3.

Miscellaneous Concrete Repairs: This expenditure provides for a portion of the cost associated with the removal and replacement of deteriorated curb, gutter and sidewalk throughout the City, and the installation of new sidewalks and access ramps to meet ADA requirements. A draft list of streets to be included in the FY 2008-2009 Street Improvement Program is included in Attachment 3.

Street Tree and Median Maintenance: This expenditure covers a portion of the City's annual street tree and median maintenance programs.

Paratransit: This expenditure provides for the City's share of Easy Lift's on demand door-to-door transportation services for the elderly and disabled persons.

MTD: This expenditure covers the expanded service on Lines 6 and 11 to increase the number of buses during peak hours from Santa Barbara to the University of California Santa Barbara inclusive of the Goleta portion of the routes.

Although a 3-year pilot program for the Old Town Shuttle is underway, staff has not included a future operating subsidy in the Measure D program of projects at this time. If the shuttle pilot program is determined to be successful, the Council could elect to fund the operating subsidy using Measure D funds. The amount of the annual operating subsidy depends on the ridership and revenue generated. The Santa Barbara Metropolitan Transit District (MTD) has previously estimated that the annual subsidy for the Old Town Shuttle would be approximately \$135,800 and has recently asked to meet with staff to identify needed funding support.

The adoption of a two-year program of projects is a requirement included in Ordinance No. 1 of the Santa Barbara County Local Transportation Authority that established the

Measure D program. Adoption of a two-year program of projects does not necessarily bind the Council to the projects listed. The program can be changed each year to reflect the changing priorities of the Council, and can be modified at mid-year if the City wishes to revise the program. Measure D funds are intended to be very flexible and adoption of the program is not meant to hinder Council policy with regard to street maintenance priorities.

ALTERNATIVES:

While adoption of a two-year program of projects is required in order to receive allocated funds, the Council may adopt a modified two-year program of projects for submittal to SBCAG. Any modifications directed by Council would be included in the information submitted to SBCAG.

FISCAL IMPACTS:

There are no direct financial impacts to the City associated with the adoption of the proposed two-year program of projects, except for the personnel time associated with the regulatory and record keeping requirements relating to the implementation of the Measure D program.

No other Council action is required at this time. Project specific appropriations for Measure D funds will be presented to the City Council for review and approval as part of the annual budget process or on a case by case basis as required.

A copy of SBCAG's two-year Measure D revenue estimate showing each agency's allocations is Attachment 4 of this report. This table shows the estimated amount of Measure D revenues the City will receive for FY 2008-2009 through FY 2009-2010. These annual amounts were used to determine the future scope of projects listed in the two-year program of projects. The estimated apportionment for 2008-2009 is approximately \$1.63 million. The total estimated amount of apportionments over the next two years is approximately \$3.35 million.

Submitted By:

Reviewed By:

Approved By:

Steve Wagner
Community Services Director

Michelle Greene
Admin. Services Director

Daniel Singer
City Manager

ATTACHMENTS:

1. Resolution Adopting the Measure D Two-Year Program of Projects for FY 2008-2009 through FY 2009-2010
2. SBCAG Two-Year Estimate of Measure D Apportionments

3. Draft Lists of Streets to be Improved through Pavement and Concrete Repairs
4. Measure D Local Allocation Rules FY 2008-2009

ATTACHMENT #1

**Resolution Adopting the Measure D Two-Year Program
of Projects for FY 2008-2009 through FY 2009-2010**

RESOLUTION NO. 08-___

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GOLETA, CALIFORNIA ADOPTING THE MEASURE D TWO-YEAR LOCAL PROGRAM OF PROJECTS FY 2008-2009 THROUGH FY 2009-2010

WHEREAS, on November 7, 1989, the voters of Santa Barbara County approved the Santa Barbara Transportation Improvement Program Ordinance and Expenditure Plan known as Measure D; and

WHEREAS, the Ordinance provides that the Santa Barbara County Local Transportation Authority shall annually approve a program of projects submitted by local jurisdictions identifying those transportation projects eligible to use Measure D funds during the succeeding five year program; and

WHEREAS, Measure D originally required reporting of a five year program which has now been reduced to a two year program report since Measure D will expire in 2010; and

WHEREAS, the City of Goleta was provided with an estimate of annual Measure D local revenues for Fiscal Year 2008-2009 through Fiscal Year 2009-2010; and

WHEREAS, the City of Goleta has held a public hearing in accordance with Section 5 of the ordinance.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GOLETA AS FOLLOWS:

SECTION 1.

The City of Goleta does hereby adopt the attached Two-Year Program of Projects, attached hereto as Exhibit A, to be funded in part, by Measure D revenues.

SECTION 2.

The City of Goleta will not use Measure D revenues to replace private developer funding that has been committed to transportation projects or would otherwise be required under current City policies.

SECTION 3.

The City of Goleta has complied with all other applicable provisions and requirements of the Measure D Ordinance.

SECTION 4.

The City Clerk shall certify to the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 15th day of April 2008.

MICHAEL BENNETT, MAYOR

ATTEST:

APPROVED AS TO FORM:

DEBORAH CONSTANTINO
CITY CLERK

BRIAN PIERIK
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SANTA BARBARA) ss.
CITY OF GOLETA)

I, DEBORAH CONSTANTINO, City Clerk of the City of Goleta, California,
DO HEREBY CERTIFY that the foregoing Resolution No. 08-___ was duly
adopted by the City Council of the City of Goleta at a regular meeting held on the
15th day of April, 2008, by the following vote of the Council:

AYES: COUNCILMEMBERS

NOES: COUNCILMEMBERS

ABSENT: COUNCILMEMBERS

(SEAL)

DEBORAH CONSTANTINO
CITY CLERK

EXHIBIT A

CITY OF GOLETA
MEASURE D TWO YEAR PROGRAM OF LOCAL PROJECTS
FY 2008/2009 - FY 2009/2010
 (Amount shown in \$1000s)

PROJECT DESCRIPTION				Funding Source and Amount			
	08/09	09/10	2 Year Total	Measure D	Other Local	State	Federal
Street Maintenance and Improvements*	\$1,148	\$1,226	\$2,374	\$2,374			
Miscellaneous Concrete Repairs*	\$122	\$122	\$ 244	\$244			
Street Tree and Median Maintenance	\$275	\$275	\$ 550	\$550			
Paratransit (Easy Lift)	\$27	\$28	\$ 55	\$55			
MTD Lines 6 & 11 Enhancements	\$63	\$65	\$ 128	\$128			
TOTAL	\$1,635	\$1,716	\$3,351	\$3,351			
Estimated Apportionments	\$1,635	\$1,716	\$3,351	\$3,351			
Unallocated Apportionments	\$0	\$0	\$0	\$0			

* A draft list of streets for repairs is provided in the following table and as provided in the City of Goleta Staff Report dated April 15, 2008.

ATTACHMENT #2

**SBCAG Two-Year Estimate of Measure D
Apportionments**

Table 2

Two Year Estimate of Measure D Local Apportionments
(FY 2009-2010)

Jurisdiction	Population	FY 08-09 Estimate	FY 09-10 Estimate
Buellton	4,663	\$298,032	\$307,429
Carpinteria	14,123	793,144	\$829,684
Goleta	30,169	1,635,185	\$1,715,531
Guadalupe	6,397	397,126	\$403,157
Lompoc	42,015	2,266,530	\$2,369,509
Santa Barbara City	89,456	4,762,379	\$4,988,570
Santa Barbara County	141,774	7,753,942	\$7,876,873
Santa Maria	90,333	4,932,380	\$5,036,986
Solvang	5,495	346,816	\$353,361
T o t a l	424,425	\$23,185,534	23,881,100

FY 08-09 estimates reflect recalculation adjustments based on revised DOF population figures for Jan. 06

ATTACHMENT #3

Draft Lists of Streets to be Maintained for Pavement and Concrete Repairs

**Draft List of Streets for Repairs
2008 - 2009**

Street Name	From	To
Aberdeen	E/S Kamala Ave	W/S Valdez Ave
Alpine Dr.	N/S Tuolumne Dr.	S/S Padova Dr
Alpine Dr.	S/S Padova Dr	CDS
Armitos Ave	Dearborn Dr	End
Avenida Garza	S/S Covington Way	N/S Avenida Ganso
Barrington Way	E/S Carlo Dr	W/S Amherst Dr
Berkley	E/S Fairview Ave	End
Calle Real	Daffodil Dr	W/S Brandon Dr
Calle Real	La Patera	W/S Fairview Ave
Carlo Dr.	S/S Stow Canyon Rd.	N/S Calle Real
Carmel Beach Cir.	W/S Santa Barbara Shores	CDS
Castillian Dr.	W/S Los Carneros Way	420' W/O Los Carneros Wy
Cathedral Oaks Bike Path	Glenn Annie	King Daniel
Cathedral Oaks Rd.	Calle Real	Winchester Canyon Rd
Cathedral Oaks Rd.	Winchester Cyn Rd	W/S Evergreen Dr.
Cathedral Oaks Rd.	W/S Evergreen Dr.	W/S Alameda Ave
Cathedral Oaks Rd.	W/S Alameda Ave	W/S Genn Annie Rd
Cathedral Oaks Rd.	W/S Genn Annie Rd	E/S Los Carneros
Coloma Dr	E/S Carlo Dr.	W/S Vega Dr.
Coromar Dr.	N/S Hollister Ave.	270' N/O Hollister Ave.
Craigmont Dr.	E/S Carlo Dr	East End
Cremona Drive	S/S Los Carneros Rd	N/S Hollister Ave
Dearborn Pl	N/S Hollister Ave	CDS
Del Norte Dr	180 W/O Glen Annie Rd	W/S Glen Annie Rd
Ellwood Beach Dr	E/S Entrance Dr	500' S/O/ Entrance Dr
Evergreen Dr	E/S Brandon Dr	Cathedral Oaks
Evergreen Dr.	W/S Brandon Dr.	West End
Fairview Ave.	S/S 101 Bridge Deck	N/S Hollister Ave.
Forest Dr	N/S Evergreen Dr	W/S Evergreen Dr.
Glenn Annie Rd	N/S Calle Real	Cathedral Oaks
Guava Ave	E/S Kamala Way	W/S Valdez Ave
Hollister Ave	Dearborn Drive	W/S Ward Drive
Hollister Ave	Pebble Beach Dr.	Viajero Dr.
Hollister Ave.	W/S ViaJero Dr.	S/S 101 Bridge Deck
Kellogg Ave	S/S Hollister Avenue	110' S/O Kellogg Place
Kellogg Ave	110' S/O Kellogg Place	South St
Kellogg Place	E/S Kellogg Way	W/S Kellogg Avenue
Kellogg Way	N/S Kellogg Avenue	North End
Linfield Place	N/S Whittier Dr	CDS
Murfield Dr	E/S Windsor Ave.	W/S Valdez Ave.
Pacific Oaks Road	S/S Hollister Ave	N/S Marymount
Pismo Beach Cir.	W/S Santa Barbara Shores	CDS
Ravenscroft	N/S Pedernal Ave	N/S Pedernal Ave

**Draft List of Streets for Repairs
2008 - 2009**

Street Name	From	To
Redwood Way	N/S Evergreen Dr	CDS
Rochester Place	W/S Calle Real	CDS
Rutherford	Hollister ave	S/S Dawson St
Salisbury Avenue	N/S Evergreen Dr	CDS
San Mateo Ave	S/S Madera Dr	N/S Calle Real
San Napoli Dr	Evergreen	CDS
San Napoli Dr	S/S Evergreen Dr.	W/S Salisbury Ave.
Saratoga Ct	W/S Coronado	W/S Coronado
Seagull Dr	E/S Daytona	East End
Stow Canyon Rd	E/S Fairview Ave	Via Fiori
Strehle Lane	E/S Mathilda	W/S Ellwood Beach Drive
Verdura Ave -	E/S Carlo	W/S Vega Dr.
Via Fiori	East CDS	West CDS
Ward Dr.	3510' S/O Hollister Avenue	South End
Yolo Ln	Alpine	CDS

**Draft List of Streets for Repairs
2009 - 2010**

Street Name	From	To
AMADOR AVE	S/S MADERA DR	N/S CALLE REAL
AVENIDA GORRION CT	CDS	N/S AVENIDA GORRION
CALLE REAL	W/S ELLWOOD STATION RD	W/S CALAVERAS AVE
CALLE REAL	E/S WINCHESTER CANYON RD	W/S SALISBURY AVE
CARLISLE DR	E/S BRANDON DR	S/S PADOVA DR
CARLO DR	S/S CATHEDRAL OAKS RD	N/S STOW CANYON RD
CHAPEL ST	N/S HOLLISTER AVE	NORTH END
GLENN ANNIE	S/S 101 BRIDGE	N/S HOLLISTER AVE
HOLLISTER AVE	WARD DRIVE INTERSECCION	E/S PATTERSON AVE
KAMALA WAY	S/S MOMOUTH AVE	N/S SHAMROCK AVE
LA PATERA LN	N/S LINDMAR DR	NORTH END
MALLARD AVE	S/S ALONDRA DR	S/S ARMITOS AVE
PINE AVE	HOLLISTER AVE	THORNWOOD
SHAMROCK AVE	E/S LA PATERA LN	N/S NEWCASTLE AVE
TECOLOTE AVE	506' S/O ARMITOS AVE	N/S HOLLISTER AVE
VERONA AVE	N/S PADOVA DR	N/S PADOVA DR
VIA MESSINA	N/S VIA BOLZANO	CDS
VIA TRENTO	N/S VIA BOLZANO	CDS

ATTACHMENT #4

MEASURE D LOCAL ALLOCATION RULES FY 2008-2009

**MEASURE D
LOCAL ALLOCATION RULES**

Fiscal Year 2008-2009

**Produced by the Santa Barbara County
Association of Governments, serving as
the Local Transportation Authority**

MEASURE D LOCAL ALLOCATION RULES

TABLE OF CONTENTS

	<u>Page</u>
<u>SECTION I - INTRODUCTION AND OVERVIEW</u>	
Introduction	1
Purpose and Authority.....	1
Summary of Key Documents	2
<u>SECTION II - RESPONSIBILITIES OF LOCAL AGENCIES</u>	
Eligible Projects	4
Maintenance of Effort	5
Local Program of Projects.....	8
Revenue Estimates	8
Project Submittals	9
Amendments.....	9
Public Hearing.....	9
Adoption of Program of Projects	11
Other Local Agency Responsibilities.....	11
<u>SECTION III - LOCAL ALLOCATION PROCESS</u>	
Steps in Local Allocation Process.....	12
<u>APPENDIX A</u>	
Ordinance No. 1 of Local Transportation Authority.....	15
Measure D Expenditure Plan.....	30
<u>APPENDIX B</u>	
Examples of Eligible & Ineligible Street & Road Projects.....	31
<u>APPENDIX C</u>	
Sample Resolution.....	37
<u>APPENDIX D</u>	
Fiscal Year 2009-2010 Local Apportionment Estimates	38
<u>FIGURES & TABLES</u>	
Figure 1 - Annual Distribution of Sales Tax	3
Table 1 - Baseline Levels of State & Federal Subsidies (FY 89-90)	6
Table 2 - MOE Baseline Expenditures.....	7
Table 3 - Format for Submitting Project Listings	10

MEASURE D LOCAL ALLOCATION RULES

SECTION I

INTRODUCTION AND OVERVIEW

Introduction

On November 7, 1989, the voters of the County of Santa Barbara approved Measure D - the Santa Barbara Transportation Improvement Program - with a 55% majority vote. This action created a new important role for the Santa Barbara County Association of Governments (SBCAG), which was designated by the Board of Supervisors as the Santa Barbara County Local Transportation Authority (LTA), responsible for the administration of the new transportation sales tax program.

As a result of the passage of Measure D, the local sales tax rate was increased countywide by ½ cent, effective April 1, 1990. (Note: the current sales tax rate in Santa Barbara County is 7¾ %.) The transportation sales tax will remain in effect for 20 years, with the revenues being allocated for transportation improvements.

The distribution of the revenues is depicted on Figure 1. After deduction for the costs of collection of the tax by the Board of Equalization and the allocation of no more than 1% for salaries and benefits for administrative purposes, the remaining revenues will be divided on a ratio of 70% to local agencies for public transit, local street and bikeway projects and 30% for state and regional highway projects and paratransit. The voter-approved provisions of Measure D are incorporated in LTA Ordinance No. 1 and an Expenditure Plan, which are shown in Appendix A. The focus of this document is on the Measure D revenues to be allocated to each city and the county. These revenues are the so-called Local Allocations or the 70% revenues allocated to local agencies.

Purpose and Authority

This manual sets forth the rules and procedures for implementing the Local Allocations provisions of Measure D. The responsibilities of both local agencies and the Local Transportation Authority are outlined in this document.

The authority to establish rules governing implementation of Measure D is provided in Section 17 of the Ordinance. This section states that the ordinance may be codified by the LTA. More general authority for establishing rules is granted in Section 180105(d) of the State Public Utilities Code (SB142) which requires the LTA to "do any and all things necessary to carry out the purposes of this division".

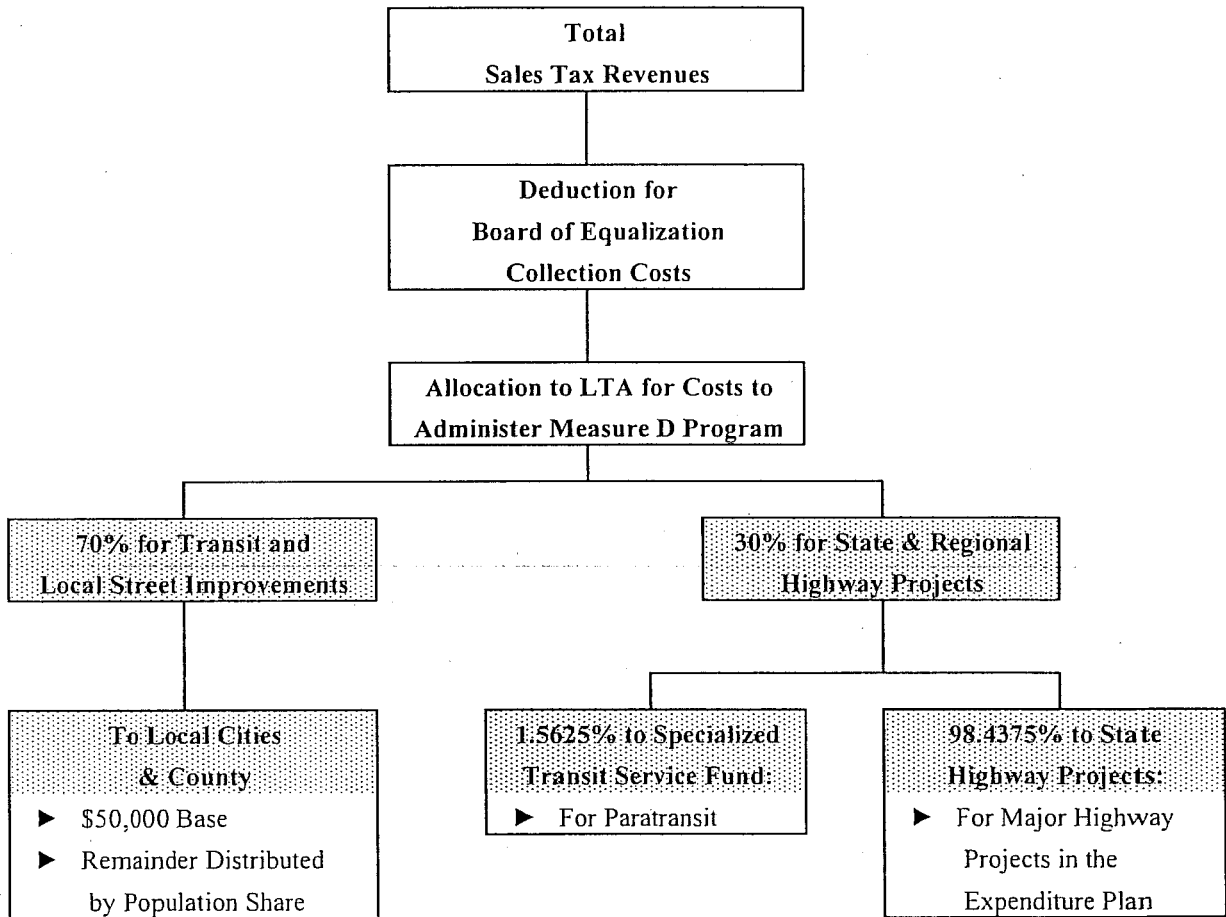
Summary of Key Documents

There are several key documents related to the implementation of Measure D. These documents are referred to throughout this handbook and are summarized below:

- **Regional Transportation Plan (RTP)** - SBCAG is responsible for the development of the long-range (20-year) Regional Transportation Plan. The RTP contains the regionwide long-range plans for each mode of transportation. All transportation sales tax projects must be consistent with the RTP.
- **Federal Transportation Improvement Program (FTIP)** - SBCAG is responsible for the development of a Transportation Improvement Program. The FTIP is a multi-year programming document that identifies all highway and transit projects that will be federally funded and non federally funded projects that are regionally significant. The FTIP shall be updated at least once every two years and shall be approved by the SBCAG board and the Governor.
- **Expenditure Plan** - Contains the specific projects and programs to be implemented through Measure D. The Expenditure Plan is included as a part of the Ordinance approved by the voters under Measure D (see Appendix A).
- **Local Program of Projects** - Two-year (formerly five-year) lists of sales tax funded projects are to be developed by each city and the county for inclusion in the FTIP. The first two years of the project lists are referred to as the biennial program of projects. No major projects may be funded with sales tax revenues unless the projects are in the approved program of projects.

Figure 1

Annual Distribution of Measure D Sales Tax Revenues



SECTION II
RESPONSIBILITIES OF LOCAL AGENCIES

Measure D Local Allocations may be used for transportation projects and programs at the discretion of each city council and the Board of Supervisors. There are, however, certain requirements and limitations imposed on the use of Local Allocations by the Ordinance. This section describes and amplifies these requirements and limitations and outlines the responsibilities of local agencies.

A. Eligible Projects

According to Section 3(c) of the Ordinance, Local Allocations may be used for the following purposes:

1. **Local roads and bikeways:** To maintain, repair, and rehabilitate existing roads and bikeways; to reduce congestion and improve safety; to construct needed facilities; to implement programs to reduce or limit transportation demand; and to contribute to the costs of projects on the state highway system.

2. **Public transit:** To provide for the operation of new or expanded transit services by the public transit operator serving the area; and, to support the operation of existing transit services in an amount no greater than the reductions in state and federal annual funding for operating support experienced by the transit operator, below the level of support enjoyed in the Fiscal Year 1989-1990.

Appendix B shows the types of local street and road projects and expenditures that are eligible for Measure D funding. This list is consistent with the state controller's guidelines for expenditure of gas tax subventions for construction, maintenance and overhead. It should be noted that unlike gas tax subventions, the ordinance does not permit Measure D funds to be used for research and planning, including the development of local circulation elements.

As noted above, Measure D Local Allocations may be used for operation of new public transit services or expansion of existing public transit services. Such services include both transit and paratransit services available to the general public. It is specifically intended that Measure D revenues not be used to replace other operating revenues supporting existing transit services. An exception is provided: if the combined revenues from state and federal sources fall below FY 1989-90 levels, Measure D Local Allocations may be used to make up the deficit. Baseline levels of state and federal funding for each transit operator are shown in Table 1. Local agencies may elect to use Measure D Local Allocations to maintain existing transit services if the sum of state and federal funding available in any given year falls below the amount shown in Table 1 for each transit operator.

Local agencies may use their Measure D Local Allocations at any time for new or expanded transit services. Eligible expenses include both capital and operating costs associated with any of the following:

- addition of geographical areas
- addition of new days of service or hours of operation
- increases in systemwide vehicle miles or vehicle hours of service

B. Maintenance of Effort

Section 9 of the Ordinance includes provisions to ensure that Measure D Local Allocations are used to supplement rather than supplant existing local revenue sources for street maintenance and improvement programs. Specifically, each of the cities and the county "must maintain an expenditure of local discretionary funds for street and road purposes which is no less than that reported in the State Controller's Annual Report of Financial Transactions for Streets and Roads for the Fiscal Year 1986-87." Local discretionary funds are defined as expenditures financed by revenues allocated at the discretion of the responsible elected officials.

The baseline expenditures of local discretionary funds for each agency have been determined by the LTA and are shown in Table 2. The table was produced by an independent accounting firm in cooperation with local jurisdictions. To assist in determining whether Maintenance of Effort requirements are being met, it is important for each local agency to ensure that the information in the State Controller's Annual Street Report is accurate and complete.

Table 1

**State and Federal Transit Operating Subsidies
Available for FY 1989-90**

<u>Operator</u>	<u>Federal Subsidy</u>	<u>State Funds</u>	<u>Total Available</u>
SBMTD	\$ 1,055,435 ⁽¹⁾	\$ 3,598,472 ⁽³⁾	\$ 4,653,907
Easy Lift	6,996 ⁽²⁾	183,475 ⁽⁴⁾	190,441
County Transit	9,957 ⁽²⁾	383,815 ⁽⁴⁾	393,772
Lompoc Transit	25,340 ⁽²⁾	1,072,263 ⁽⁴⁾	1,097,603
Santa Maria Area Transit	335,225 ⁽¹⁾	1,743,263 ⁽⁴⁾	2,078,488

- Notes: (1) Unrestricted UMTA Section 9 apportionments
(2) UMTA Section 18 apportionments
(3) Total Local Transportation Fund allocation excluding amount allocated to Easy Lift
(4) Includes total Local Transportation Funds allocated to cities within service area and a percentage of County's total allocation based on the unincorporated area population within the service area.

Table 2

Santa Barbara County Local Transportation Authority
 Schedule of Maintenance of Effort
 For the Year Ended June 30, 2007

	Buellton	Carpinteria	Coleta (4)	Guadalupe	Lompoc	Santa Barbara	Santa Maria	Solvang	County of Santa Barbara
Total expenditures per the Street Report	\$ 32,964	\$ 1,690,467	\$ 4,923,254	Not Available	\$ 6,349,690	\$ 19,109,380	\$ 16,418,611	\$ 2,758,974	\$ 32,409,876
Less Expenditures Funded by Non-Discretionary Revenues:									
State Gas Tax	32,964	686,361	1,131,299		559,182	2,759,129	3,232,590	103,332	
State Local Transportation Ordinance Number One Street Expenditures		2,351			580,000	41,532	973,709	42,242	
State and Federal Highway Aid Street and Lightming		890,064			230,944	5,491,520			2,892,376
Other					3,461,079	1,746,698	2,176,173	591,495	7,171,356
Total Expenditures Funded by Non-Discretionary Revenues:	32,964	1,578,776	1,131,299	Not Available	4,831,205	10,038,879	6,865,432	736,069	30,571,716
Expenditures Funded from Discretionary Revenues	\$ -	\$ 111,691	\$ 3,791,955	Not Available	\$ 1,518,485	\$ 9,070,501	\$ 9,553,179	\$ 2,022,905	\$ 1,838,160
Required Level of Maintenance of Effort per Nasif, Hicks, Harris & Co. Maintenance of Effort Report Dated March 12, 1990, unless noted	\$ -	\$ 91,449	\$ -	\$ 27,501	\$ 1,209,843	\$ 2,702,613	\$ 1,384,411	\$ 94,427	\$ 870,751
Maintenance of Effort Requirement Met:	YES	YES	YES	Not Available	YES	YES	YES	YES	YES

Additional Notes:

- (1) In 1993, the City of Santa Maria increased the Maintenance of Effort requirement by \$33,215 to reflect 1986-1987 levels of street sweeping costs.
- (2) In 1993, the Santa Barbara County Association of Governments reduced the County of Santa Barbara requirement by \$19,592 because the area that is now the City of Buellton is no longer the County's responsibility.
- (3) In 1994, the City of Lompoc increased the Maintenance of Effort requirement by \$349,294 to reflect 1986-1987 levels of road expenditures in the Electric and Solid Waste Funds.
- (4) Extracted from report dated December 10, 2007 of Mayer Hoffman McCann P.C.

Each agency's compliance with the MOE requirements will be verified annually through an independent audit conducted by the LTA. The Ordinance requires that for any year in which an agency fails to meet the MOE requirement, its Local Allocation must be reduced in the succeeding fiscal year. The amount of the noncompliance reduction is equal to the difference between the actual local discretionary fund expenditures and the MOE baseline amount. Local allocations that have been withheld due to MOE noncompliance will be redistributed by the LTA to the other local agencies on the basis of population (excluding the population of the agency in noncompliance).

Local agencies will be permitted to contest a determination by the LTA staff that it failed to meet the MOE requirement. Any appeal must be submitted along with any supporting documentation to the LTA within 30 days of being notified of the noncompliance. The LTA board will rule on the appeal and its ruling shall be final.

Annual MOE Certification - To remain eligible for Measure D funds each local agency is required to annually certify that it will meet the MOE requirement. This certification must be included in the Local Program of Projects adopted pursuant to Section 5 of the Ordinance. The certification must state that the local agency will include in its budget for the next fiscal year an amount of local discretionary funding for streets and roads purposes sufficient to meet the MOE requirement contained in Section 9 of the Ordinance. Local jurisdictions that adopt a multi-year budget may use the annual average amount of local discretionary funding contained in the budget in making the required certification. The certification shall be made by resolution. The suggested language for the resolution is shown in Appendix C.

C. Local Program of Projects

Each local jurisdiction must annually prepare and adopt a local program of projects. This program will identify all of the street and road or public transit projects that are proposed for funding during the remaining two years with Measure D Local Allocations. The local program of projects must be submitted to the LTA for approval. Following a review of the projects contained in the local programs for consistency with the Ordinance and the RTP, the LTA will adopt a regional program of projects as a component of the FTIP. Projects not included in a local program of projects and the FTIP are not eligible for Measure D funds.

Revenue Estimates - The LTA will provide local agencies with estimates of Measure D revenues to be used in preparing the local program of projects. Appendix D lists the estimates for the FY 2009-2010 period. The methodology for developing the revenue estimates is as follows: SBCAG will develop an estimate of total Measure D revenues for the succeeding fiscal year. The LTA will then apportion the Local Allocation funds for the coming fiscal year using the formula specified in Section 3 of the Ordinance. Specifically, of the amount estimated to be available for Local Allocations (70% of Measure D revenues after deductions for Board of

Equalization and LTA administrative costs) a \$50,000 base amount will be apportioned to each jurisdiction. The balance will be apportioned to each jurisdiction on the basis of the most recent and adjusted State Department of Finance or U.S. Census Bureau population estimates. Finally, using the first-year apportionments as a base, estimates of Local Allocation apportionments will be made for each of the remaining years of the program.

The Local Allocation revenue estimates are to be used for planning and programming purposes. The LTA will formally approve the allocations for the first year of the program just prior to the beginning of the fiscal year.

Project Submittals - The project listings should be submitted in the format shown in Table 3. Adjust for inflation on future cost estimates. Major projects costing more than \$100,000 should be listed separately. For these projects, the description should include the location and limits of the project and the type of work to be done. Minor projects costing less than \$100,000 and of a similar nature may be listed together as a single line item in the program.

Amendments - Any amendments to the local program of projects must be approved by the local governing board. An amendment is required whenever a project a) increases in Measure D cost by more than 20%; b) is added to or deleted from the program; c) is rescheduled (except for projects in the biennial element of the program); d) significant changes in scope; or e) has a change in funding sources and amounts. Following adoption of the amendment, local agencies must request that the regional program of projects be amended by the LTA as well.

The "Biennial Element" of the regional program of projects consists of the projects scheduled in the first two years. To afford local agencies some flexibility in programming, the LTA will not require adoption of an amendment for projects rescheduled within the biennial element as long as the annual programming levels for Measure D funds do not exceed the allocations and estimates made by the LTA. As an example, if a project programmed in the first year must be delayed, a project (or projects) in year two of the program could be advanced to the first year while the delayed project is reprogrammed for year two.

Public Hearing - Section 5 of the Ordinance requires that a public hearing be held before the local program of projects is adopted and submitted to the LTA for approval. A separate public hearing on the regional two-year program of projects will be held by the LTA. If the LTA finds that a project is inconsistent with the Ordinance or the RTP, the project may be referred back to the local agency for reconsideration.

Table 3

City/County of _____

**Measure D Local Program of Projects Submittal Form
 FY 2008-2009 to FY 2009-2010 Measure D Program of Projects
 Measure D - Local Program of Projects (Figures in \$000)**

Project Description	Measure D			Local	State	Federal	Total Project Cost
	FY 08-09	FY 09-10					
Corrective and Preventative Maintenance							\$
							\$
							\$
							\$
							\$
Seismic Retrofits							\$
							\$
							\$
							\$
							\$
Storm Damage							\$
							\$
							\$
							\$
							\$
Capital Improvement Projects							\$
							\$
							\$
							\$
							\$
Bridge Replacements							\$
							\$
							\$
							\$
							\$
Alternative Transportation							\$
							\$
							\$
							\$
							\$
Operational							\$
							\$
							\$
							\$
							\$
Other							\$
							\$
							\$
							\$
							\$
Totals	\$	\$	\$	\$	\$	\$	\$

Adoption of Program of Projects - Each program of projects must be adopted by resolution by the local governing board. The resolution must include the previously discussed certification regarding maintenance of effort. In addition, the resolution must contain an assurance that Measure D Local Allocations will not be used to replace private developer funding that has been previously committed to a transportation project or that would normally be required under city or county policy. This assurance is required pursuant to Section 10 of the Ordinance. A sample resolution that contains acceptable language is provided in Appendix C.

D. Other Local Agency Responsibilities

Transportation Improvement Account - Pursuant to Section 12 of the Ordinance each local agency must establish a separate Transportation Improvement Account in which Measure D Local Allocation funds are to be deposited. The interest earned on these funds shall be deposited in the account and shall be spent only for the purposes for which the Measure D funds were allocated. Measure D funds cannot be co-mingled with funds from other sources.

Designation of Facilities - Major projects and programs costing \$100,000 or more funded in whole or in part by Measure D revenues must be clearly posted with signage indicating that the project or program is being funded by Measure D.

SECTION III

LOCAL ALLOCATION PROCESS

This section outlines the process by which Local Allocation funds will be disbursed to local agencies. It is the LTA's intent to establish a process that ensures funds are paid to local agencies promptly and are used in a manner consistent with the approved local program of projects and all provisions of the Ordinance.

Following is a discussion of the various steps in the Local Allocation process. Dates and deadlines are given as they apply to the 2007-2008 fiscal year.

Steps in Local Allocation Process (FY 2008-2009)

	<u>Date</u>
1) SBCAG establishes estimate of Measure D funds for the next two fiscal years.	February 1, 2008
2) LTA provides the Technical Transportation Advisory Committee (TTAC) with a two-year estimate Measure D Local Allocation revenues and seeks approval of apportionments.	February 7, 2008
3) Local agencies submit two-year program of projects to LTA. Program to be prepared and adopted consistent with these rules and the Measure D Ordinance.	April 15, 2008
4) LTA reviews local programs of projects and seeks modifications as necessary.	April/May, 2008
5) LTA approves regional two-year program of projects and incorporates it into RTIP. LTA also approves allocation of Measure D funds to local agencies for succeeding fiscal year and issues disbursement instructions to the County Auditor.	June 19, 2008
6) As revenues are received they are disbursed by the Auditor to local agencies in monthly payments. Funds received by local agencies must be deposited into a separate Transportation Improvement Account.	Monthly

7) **Within thirty days after the close of each quarter**, local agencies shall submit to the LTA a report on Local Allocation funds including the following information:

- Amount received
- Amount expended in total and for each project in the local program of projects
- Current Transportation Improvement Account balance
- Anticipated expenditures for next quarter

Quarterly:
Oct. 30, 2008
Jan. 30, 2009
Apr. 30, 2009
July 30, 2009

8) At the close of the fiscal year the LTA will arrange for independent audits of each agency's financial transactions to ensure that Measure D funds are being expended in a manner consistent with the Ordinance.

August, 2009

APPENDIX A

**Ordinance No. 1 of Local Transportation Authority
(with amendments)**

and

Measure D Expenditure Plan

AN ORDINANCE OF THE SANTA BARBARA COUNTY
LOCAL TRANSPORTATION AUTHORITY, ADOPTING
A COUNTYWIDE, 20 YEAR, ONE HALF OF ONE PERCENT
RETAIL TRANSACTIONS AND USE TAX, AND ESTABLISHING
AN ANNUAL APPROPRIATIONS LIMIT OF \$25,000,000.00

ORDINANCE NO. 1

The Santa Barbara County Local Transportation Authority does hereby ordain as follows:

SECTION 1. Imposition of 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 Santa Barbara, in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the California Revenue and Taxation Code and Division 19 (commencing with Section 180000) of the California Public Utilities Code, a transactions and use tax at the rate of one-half of one percent (1/2%) for a period not to exceed twenty years, in addition to any existing or future authorized state or local transactions and use tax.

SECTION 2. Expenditure Plan, Purposes. The revenues received by the Santa Barbara County Local Transportation Authority ("the Authority") from this measure, after deduction of required Board of Equalization costs for performing the functions specified in Section 180204(b) of the California Public Utilities Code, shall be used to improve transportation facilities and services, countywide, as set forth in the adopted Expenditure Plan and in a manner consistent with the Regional Transportation Plan and the five-year Regional Transportation Improvement Program; expenses for compliance with the California Environmental Quality Act; and for the administration of the Authority, consistent with the limitations of Section 180109(b). After allocations appropriate for administrative expenses, the revenues shall, with the exception of the conditions set forth herein, be allocated as follows:

Seventy percent (70%) for public transit and local streets and roads; and,

Thirty percent (30%) for State and regional highway projects, as provided herein and identified in the adopted Expenditure Plan.

In the event bonds are issued pursuant to Section 15 hereof, such revenues or any part thereof may be allocated by the Authority to pay and secure such bonds, provided that the resolution or indenture providing for issuance of such bonds requires that proceeds of such bonds be expended in accordance with the foregoing percentage allocations. In such case, all revenues allocated to such bonds shall be deemed expended in the years in and for the purposes for which proceeds of such bonds are to be expended.

SECTION 3. Allocation of Local Revenues. The revenues

available for public transit and for local streets and roads shall be allocated annually and expended pursuant to the following distribution formula and priorities:

A. Each city and the County of Santa Barbara shall receive an allocation using the following formula:

1. A base amount of \$50,000.00 each year.

2. The funds remaining after deduction of the base amounts shall be apportioned according to each jurisdiction's share of the total county population, using the most recently available Department of Finance population estimates.

B. For the purpose of this section, any new incorporations or annexations which take place after July 1 of any fiscal year shall be incorporated into the formula beginning with the subsequent fiscal year. Any data required for calculations referred to above shall be such data as are approved for the incorporation/annexation by the Local Agency Formation Commission (LAFCO).

C. Funds available pursuant to this Section may be expended, at the discretion of the jurisdiction, for the following purposes:

1. Local roads and bikeways: To maintain, repair, and rehabilitate existing roads and bikeways; to reduce congestion and improve safety; to construct needed facilities; to implement programs to reduce or limit transportation demand; and to contribute to the costs of projects on the State highway system.

2. Public transit: To provide for the operation of new or expanded transit services by the public transit operator serving the area; and, to support the operation of existing transit services in an amount no greater than the reductions in State and federal annual funding for operating support experienced by the transit operator, below the level of support enjoyed in the Fiscal Year 1989 - 1990.

SECTION 4. Allocation of Regional Revenues. The revenues available for State and regional projects shall be allocated in accordance with the Expenditure Plan, subject to the following provisions:

A. Of the revenues available under this section each year, 1.5625 percent shall be deposited in a Specialized Transit Service Fund for allocation to public transit operators and the designated consolidated transportation service agency, pursuant to rules and regulations to be adopted and, from time to time, amended by the Authority.

B. No revenues as provided for in this section shall be allocated for any State highway projects until the Santa Barbara County Local Transportation Authority has certified that the Santa Barbara County region is receiving, at a minimum, its fair share of highway funds from the State. The determination of fair share shall consider all relevant factors including the degree to which the Santa Barbara County region is receiving the statutory county minimum funding for all budgeted, expended, and programmed State and federal highway funds. The policies and project approval actions of the California Transportation Commission and CALTRANS shall be reviewed, as well, to determine

whether the Santa Barbara County region is receiving full consideration in the allocation of any additional uncommitted State and federal highway funding. Part of the certification shall include a finding that the State of California has not reduced any State highway fund allocations to the Santa Barbara County region as a result of the addition of any local revenues as provided herein. The certification shall be made annually in the Regional Transportation Improvement Program.

C. If, prior to the start of any fiscal year, the Santa Barbara County Local Transportation Authority has not made the certification regarding the receipt of a fair share of State and federal funding, including appropriate findings as required by this Section, the Authority may distribute remaining revenues to be allocated pursuant to this Section for public transit and for local streets and roads as provided in Section 3, subject to the requirements of previous commitments of the Authority.

D. If the Authority finances the construction of highway facilities by the issuance of bonds or any similar financing device, the Authority shall first allocate the funds necessary to meet all debt service requirements prior to making any redistribution of funds as provided in Section 4 (C), above.

E. The Santa Barbara County Local Transportation Authority may, in conformity with the adopted Expenditure Plan, engage, contract with, employ and compensate any public or private agency, party, contractor or professional, in accordance with the Public Contract Code and/or any of the provisions for public employment of professional services for public agencies, for the planning, finance, approval, design, construction, maintenance, control and repair of any road or highway facilities.

F. The Santa Barbara County Local Transportation Authority shall not be responsible for the maintenance or operation of any State highway facilities following the construction or repair of such highway, or any usable portion thereof, through funds made available pursuant to this Section.

G. All State highway improvements to be funded with revenue as provided in this Ordinance, including project development and overall project management, shall be a joint responsibility of the Authority and CALTRANS, as may be consistent with CALTRANS policies for special tax funded projects.

SECTION 5. Local Program of Projects. Each local jurisdiction shall develop, annually, an updated five year program of projects to be funded with revenues made available under Section 3 of this Ordinance. A public hearing shall be conducted by the local jurisdiction regarding the proposed program of projects before submitting the project list to the Santa Barbara County Local Transportation Authority for approval pursuant to Section 6 of this Ordinance. All projects to be funded with revenues made available under Section 2 of this Ordinance must be consistent with the Regional Transportation Plan. Project priorities and phasing shall be consistent, also, with the approved Regional Transportation Plan.

SECTION 6. Project Programming Approval. The Authority shall

annually approve a regional five-year program of projects to be funded with revenues made available under Section 2 of this Ordinance. The program of projects shall be prepared as a part of the five-year Regional Transportation Improvement Program. A public hearing shall be held by the Authority prior to approval of the program of projects. The Authority may amend the program of projects as necessary in accordance with the Regional Transportation Improvement Program amendment procedures. No major projects shall be funded with the revenues made available under Section 2 unless the projects are in the approved program of projects.

SECTION 7. Expenditure Plan Update, Amendments. The Expenditure Plan shall be reviewed on a biennial basis to coincide with the biennial update of the Regional Transportation Plan required by State law. The Expenditure Plan shall be amended in accordance with California Public Utilities Code Section 18207, as appropriate to maintain consistency with the Regional Transportation Plan. As funds become available in excess of the amount allocated in the Expenditure Plan, additional projects shall be added to the Expenditure Plan pursuant to the priorities in the Regional Transportation Plan. In the allocation of all revenues made available under Section 2, the Authority shall make every effort to maximize State and federal transportation funding to the region. The Authority may amend the Expenditure Plan, in accordance with California Public Utilities Code Section 180207, by ordinance, minute order or resolution adopted by a two-thirds majority of the governing Board of the Authority.

SECTION 8. Cooperative Fund Agreements. To maximize the effective use of funds, revenues may be transferred or exchanged between or among jurisdictions under the following provisions:

A. Jurisdictions receiving funds may, by annual or multi-year agreement, exchange funds provided that the percentage of funds allocated as provided in Section 3 is maintained over the duration of the tax imposed. Agreements to exchange funds, including fund repayment provisions, must be approved by the Authority and shall be consistent with any and all rules adopted or approved by the Authority relating to such exchanges.

B. The Authority may exchange revenues for State or federal funds allocated or granted to any public agency within or outside the area or jurisdiction of the Authority to maximize effectiveness in the use of the revenues. Such federal or State funds shall be distributed in the same manner as the revenues from the tax imposed in Section 1.

SECTION 9. Maintenance of Effort. It is the intent of the Legislature and the Authority that revenues provided from this measure be used to supplement existing local revenues being used for the purposes set forth in Section 3 hereof. Each local agency receiving revenues pursuant to Section 3 shall annually

maintain an expenditure of local discretionary funds for street and road purposes which is no less than that reported in the State Controller's Annual Report of Financial Transactions for Streets and Roads for the Fiscal Year 1986 - 1987. If any local agency had extraordinary local discretionary fund expenditures during fiscal year 1986 - 1987, it may, subject to the approval of the Authority, use as a base for determining the required minimum level of local discretionary funds, the average amount of such funds reported to the State Controller for the three year period of fiscal year 1984 - 1985 through 1986 - 1987. The Authority shall not allocate any revenues pursuant to Section 3 of this ordinance to any eligible local agency in any fiscal year until that local agency has certified to the Authority that it will include in its budget for that fiscal year an amount of local discretionary funding for streets and roads purposes at least equal to the minimum Maintenance of Effort requirement of this Section. An annual, independent audit shall be conducted to verify that these Maintenance of Effort requirements were met. Any local agency which does not meet its Maintenance of Effort requirements in any given fiscal year, shall have its funding under Section 3 reduced in a following year by the amount by which the expenditure of the agency for such purposes was less than its required Maintenance of Effort level. Any local streets and roads revenues not allocated pursuant to these Maintenance of Effort requirements shall be redistributed to the remaining jurisdictions according to their share of the total County population, excluding the agency who has failed meet its Maintenance of Effort requirements, and excluding its share of population.

SECTION 10. Private Sector Funding. Revenues provided from this measure shall not be used to replace private developer funding which has been or will be committed for any project.

SECTION 11. Administrative Expenses. Revenues may be expended by the Authority for salaries, benefits, overhead, technical, auditing and legal services and for those services including contractual services, necessary to administer and implement the Expenditure Plan and allocations under this ordinance. However, in no case shall the Authority expend more than one percent (1%) of the funds generated by the tax for salaries and benefits of its staff, as provided in California Public Utilities Code Section 180109(b). Costs of performing or contracting for project-related work shall be paid from the revenues allocated to the appropriate purpose, as set forth herein. An annual independent audit shall be conducted to assure that the revenues expended by the Authority under this section for administration were reasonable and necessary to carry out Authority responsibilities.

SECTION 12. Establishment of Separate Accounts - Interest. Each jurisdiction receiving funds pursuant to Section 2 shall deposit said funds in a separate Transportation Improvement Account. Interest earned on funds allocated pursuant to this

Ordinance shall be expended only for the purposes for which the funds were allocated.

SECTION 13. Required Tax Provisions. The provisions required to be incorporated by the requirements of California Revenue and Taxation Code Sections 7261 and 7262 and all amendments to said sections adopted hereafter, are and shall be incorporated herein by reference according to their true meaning and effect as though set forth at length.

SECTION 14. Annual Appropriations Limit. Article XIII(B) of the California Constitution requires the establishment of an annual appropriations limit for certain governmental entities. The maximum annual appropriations limit for the Authority is \$25,000,000.00. The appropriations limit shall be subject to adjustment as provided by law. All expenditures of the transactions and use tax revenues imposed in Section 1 (other than expenditures with respect to debt service on any bonds issued pursuant to Section 15 hereof), are subject to the appropriations limit of the Authority.

SECTION 15. Bonding Authority. Upon voter approval of the measure, the Authority shall have the authority to issue bonds payable from the proceeds of the tax to accelerate the construction of needed transportation facility improvements. The Authority, in allocating the annual revenues from the measure, shall meet all debt service requirements prior to allocating funds for other projects. "Bonds" means indebtedness and securities of any kind or class, including, but not limited to bonds, notes, revenue anticipation notes, commercial paper and certificates of participation.

SECTION 16. Proposition. The Authority hereby requests that the Board of Supervisors of the County call an election at which there shall be proposed to the voters of Santa Barbara County the following proposition:

To help relieve traffic congestion, improve the condition of roads countywide, and increase safety by providing essential transportation improvements, including:

- . safety improvements on Highway 1, Highway 154 and Highway 166;
- . widen Highway 101 south of Montecito to the Ventura County line;
- . improving freeway interchanges;
- . improving major road intersections;
- . reducing transit fares and improving specialized transit services for seniors and the disabled;

Shall Santa Barbara County Local Transportation Authority Ordinance No. 1 be approved so as to: (1) authorize the Authority to impose for twenty (20) years a transactions and use tax (sales tax) of one-half of one percent to implement the Santa Barbara County Transportation Expenditure Plan

which will improve transportation facilities and services countywide; (2) authorize the Authority to issue from time to time limited tax bonds payable from these revenues; and (3) approve the California Constitution Article XIII B appropriations limit of \$25,000,000 for the Authority?

SECTION 17. Amendments. With the exception of Sections 1 and 14, which require a vote of the electors of the County of Santa Barbara to amend, this Ordinance may be amended, expanded, codified or reduced in scope by the Santa Barbara County Local Transportation Authority, by any process appropriate to the amendment of general law county ordinances, passed by roll call vote entered in the Minutes, with two-thirds of the members of the Authority concurring at any regular or special meeting called for the purpose.

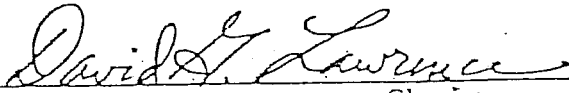
SECTION 18. Severability. If any section, part, clause or phrase of this Ordinance is for any reason held invalid or unconstitutional, the remaining portions shall not be affected but shall remain in full force and effect.

SECTION 19. Effective date. This Ordinance shall take effect and be in force on the first day of the first calendar quarter commencing more than 120 days after adoption, and after approval of the Appropriations Limit provided in Section 14 and the Transactions and Use Tax provided for in Section 1 by popular vote as required under the provisions of California law, and before the expiration of fifteen (15) days after its passage it, or a summary of it, shall be published once, with the names of the members of the governing board of the Authority voting for and against the same in the Santa Barbara News Press, a newspaper of general circulation published in the County of Santa Barbara.

Passed, approved and adopted by the Santa Barbara County Local Transportation Authority this Fifteenth day of June, 1989, by the following vote:

Ayes: Supervisors Ochoa, Rogers, Wallace, Owens, Miyoshi; Councilmembers Lawrence, Pili, Miller; Mayor Loney.

Noes: Mayor Hobbs.



David G. Lawrence, Chair
Santa Barbara County Local
Transportation Authority

Attest:



Gerald R. Lorden, Secretary

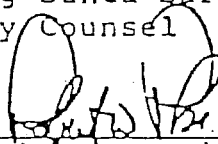
State of California)
) ss.
County of Santa Barbara)

I, Gerald R. Lorden, the Secretary of the Santa Barbara County Local Transportation Authority do hereby certify that the foregoing is a true copy of an Ordinance adopted by the Santa Barbara County Local Transportation Authority on by the vote stated above, which said ordinance is on file in the office of the Santa Barbara County Local Transportation Authority.

Dated:

Gerald R. Lorden

Approved as to Form:
Marvin Levine
Acting Santa Barbara
County Counsel

By 
Robert W. Pike, Deputy
8327B

ORDINANCE NO. 2
AN ORDINANCE OF THE SANTA BARBARA COUNTY
LOCAL TRANSPORTATION AUTHORITY, ADOPTING
AMENDMENTS TO ORDINANCE NO. 1, REQUIRED BY THE STATE BOARD OF
EQUALIZATION TO THE TRANSACTIONS AND USE TAX TO BE
ADMINISTERED BY THE STATE BOARD OF EQUALIZATION

The Santa Barbara Local Transportation Authority ordains as follows:

SECTION A:

Pursuant to Section 17 of Ordinance No. 1 of the Santa Barbara County Local Transportation Authority, said Ordinance No. 1 is amended to add sections specifically requested by the California State Board of Equalization and to provide, in addition to the provisions of said Ordinance No. 1, as follows:

Section 20. TRANSACTIONS TAX RATE. For the privilege of selling tangible personal property at retail, the tax herein shall be imposed upon all retailers in the incorporated and unincorporated territory of the County of Santa Barbara at the rate of one-half of one percent of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory on and after the operative date of this ordinance.

Section 21. 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 State Board of Equalization.

Section 22. USE TAX RATE. An excise tax is imposed by this Ordinance on the storage, use or other consumption in the County of Santa Barbara of tangible personal property purchased from any retailer on or after the operative date of this ordinance for storage, use or other consumption in said territory at the rate of one-half of one percent of the sales price of the property. The sales price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made.

Section 23. ADOPTION OF PROVISIONS OF STATE LAW. Except as otherwise provided in this ordinance and 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 are hereby adopted and made a part of this ordinance as though fully set forth herein.

Section 24. 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 Authority shall be substituted therefor. However, the substitution shall not be made:

1. When the word "State" is used as a part of the title of the State Controller, State Treasurer, State Board of Control, State Board of Equalization, State Treasury, or the Constitution of the State of California;

2. When 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 State Board of Equalization, 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 provisions 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 words "the County of Santa Barbara" shall be substituted for the words "this 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 25. 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 26. EXEMPTIONS AND EXCLUSIONS.

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

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

1. Sales of tangible personal property 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 of Santa Barbara which is shipped to a point outside the County of Santa Barbara, pursuant to the contract of

sales, by delivery to such point by the retailer or his agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this paragraph, delivery to a point outside the County of Santa Barbara shall be satisfied:

a. With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, and undocumented vessels registered under Chapter 2 of Division 3.5 (commencing with Section 9850) of the Vehicle Code, by registration to an address outside of the County of Santa Barbara and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, his principal place of residence; and

b. With respect to commercial vehicles, by registration to a place of business outside of the County of Santa Barbara 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 subsections (3) and (4) of this section, the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

C. There is exempted from the use tax imposed by this ordinance, the storage, use or other consumption in this County of Santa Barbara 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. 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 subsections (3) and (4) of this section, storage, use, or other consumption, or possession of, or exercise of any right or power over, tangible

personal property shall be deemed not to be obligated pursuant to a contract of 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 of Santa Barbara 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 of Santa Barbara or participates within the County of Santa Barbara in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at the place of business of the canvasser, solicitor, subsidiary, or person in the County of Santa Barbara under the authority of the retailer.

7. A "retailer engaged in business in the County of Santa Barbara" 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 Chapter 2 of Division 3.5 (commencing with Section 9850) 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 of Santa Barbara.

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 an agency 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 27. AMENDMENTS. All amendments subsequent to the effective date of this ordinance to Part 1 of Division 2 of the California Revenue and Taxation Code relating to sales and use taxes and which are not inconsistent with Part 1.6 of Division 2 of the Revenue and Taxation Code, and all amendments to Part 1.6 of Division 2 of the California 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 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. SEVERABILITY. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

SECTION B:

This ordinance relates to the levying and collecting of the Authority transactions and use taxes and shall take effect and be in force immediately from the date of its passage; and before the expiration of fifteen (15) days after its passage, it shall be published once, together

with the names of the members of the Santa Barbara County Local Transportation Authority voting for and against the same in the Santa Barbara News-Press a newspaper of general circulation published in the County of Santa Barbara.

PASSED AND ADOPTED by the Santa Barbara County Local Transportation Authority, State of California, on February 15, 1990 by the following vote:

AYES: Supervisors Rogers and Owens; Councilmembers Loney, Hobbs, Miller, Hays, and Lawrence.

NOES: None.

ABSENT: Supervisors Ochoa, Wallace, and Miyoshi; Councilmember

David H. Lawrence
Chair

Attest: Sanchez.

Santa Barbara County Local
Transportation Authority

Gerald R. Lorden
Gerald R. Lorden, Secretary

I, Gerald R. Lorden, Secretary of the Santa Barbara County Local Transportation Authority do hereby certify that the foregoing is a true copy of an ordinance adopted by the Santa Barbara County Local Transportation Authority on February 15, 1990 by the vote stated above, which said ordinance is on file in the office of the Santa Barbara County Local Transportation Authority.

Dated: 2/16/90

Gerald R. Lorden

Approved as to form:

Robert W. Pike
Robert W. Pike
Deputy County Counsel

ORDINANCE NO. 4

AN ORDINANCE OF THE SANTA BARBARA COUNTY
LOCAL TRANSPORTATION AUTHORITY
AMENDING SECTIONS 2 and 15 OF ORDINANCE NO. 1

The Santa Barbara County Local Transportation Authority
hereby ordains as follows:

SECTION 1. Section 2 of Ordinance No. 1 is hereby
amended as follows:

SECTION 2. Expenditure Plan, Purposes. The revenues received by the Santa Barbara County Local Transportation Authority ("the Authority") from this measure, after deduction of required Board of Equalization costs for performing the functions specified in Section 180204(b) of the California Public Utilities Code, shall be used to improve transportation facilities and services, countywide, as set forth in the adopted Expenditure Plan and in a manner consistent with the Regional Transportation Plan and the five-year Regional Transportation Improvement Program; expenses for compliance with the California Environmental Quality Act; and for the administration of the Authority, consistent with the limitations of Section 180109(b). After allocations appropriate for administrative expenses, the revenues shall, with the exception of the conditions set forth herein, be allocated as follows:

Seventy percent (70%) for public transit and local streets and roads; and

Thirty percent (30%) for State and regional highway projects, as provided herein and identified in the adopted Expenditure Plan.

For purposes of allocating the annual revenues from the measure, revenues applied to pay debt service on bonds shall be deemed expended for the same purposes for which the bonds are issued.


SECTION 2. Section 15 of Ordinance No. 1 is hereby
amended as follows:

SECTION 15. Bonding Authority. Upon voter approval of the measure, the Authority shall have the authority to issue bonds payable from the proceeds of the tax to accelerate the construction of needed transportation facility improvements. The Authority, in allocating

the annual revenues from the measure, shall meet all debt service requirements prior to allocating funds for any other purposes or projects. Should such requirements to meet all debt service requirements prior to any allocations result in a percentage allocation different from that required in Section 2 herein, then future revenues in excess of those needed for debt service shall be reallocated so as to restore the overall percentage allocation specified in Section 2. "Bonds" means indebtedness and securities of any kind or class, including, but not limited to bonds, notes, revenue anticipation notes, commercial paper and certificates of participation.

SECTION 3. This Ordinance shall take effect and be in force on the first day of the month commencing more than thirty (30) days after adoption, and before the expiration of fifteen (15) days after its passage it, or a summary of it, shall be published once, with the names of the members of the governing board of the Authority voting for and against the same in the Santa Barbara News Press, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED AND ADOPTED this 17th day of June, 1993, by the following vote:



Tom Rogers, Chair
Santa Barbara County Local
Transportation Authority

Attest:



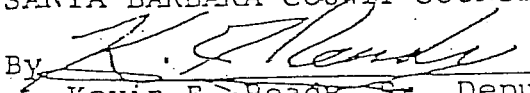
Gerald R. Lorden, Secretary

AYES: Supervisors Schwartz, Staffel and Rogers; Mayor Hobbs; Councilmembers Jordan, Pelton, Traylor, Leach, Campbell, and Miller.

NOES: None.

APPROVED AS TO FORM:
DAVID NAWI
SANTA BARBARA COUNTY COUNSEL

ABSENT: Supervisors Chamberlin and Stoker.

By 

Kevin E. Reedy, Sr., Deputy

4365\ksbag.crd

MEASURE D EXPENDITURE PLAN

LOCAL ROAD AND TRANSIT IMPROVEMENTS

Seventy percent of the Measure D revenues to be allocated to each city and the county for projects of the highest priority in those communities as outlined in five-year plans adopted by each jurisdiction. The funds can be used to:

- Maintain, reconstruct and improve local roads and bikeways.
- Provide support for public transit.

Funds to be allocated annually using a base level of \$50,000 to each jurisdiction with the remainder apportioned by population.

20-Year Totals	
Buellton	\$2.2M
Carpinteria	8.3M
Guadalupe	3.4M
Lompoc	23.1M
Santa Barbara	51.7M
Santa Maria	37.7M
Solvang	2.9M
County	94.7M

STATE AND REGIONAL PROJECTS

Thirty percent of the Measure D revenues will be used for the following transportation improvements. (Not listed in priority order.)

• Specialized Transit Services	\$ 1.5M -	Improve door-to-door special service for handicapped in South County; reduce fares for seniors and handicapped in North County.
• Route 154	\$12.0M -	Construct safety improvements and passing lanes.
• Route 1	\$10.5M -	Realign and improve from Route 246 south of Lompoc.
• Route 101	\$15.0M -	Interchange improvements and widening to six lanes, San Ysidro Road to county line.*
• Route 101/Milpas Street	\$ 4.0M -	Revise and improve intersection of freeway ramps and surface streets.
• Route 101/Castillo Street	\$ 3.0M -	Realign and improve intersection with Gutierrez Street in Santa Barbara.**
• Route 101/La Cumbre Road	\$ 5.0M -	Reconstruct freeway interchange in Santa Barbara.
• Route 101/Route 154 (South)	\$ 5.0M -	Widen overcrossing and revise southbound onramp to Route 101 in Santa Barbara.
• Route 101/Glen Annie-Storke Rd	\$ 5.0M -	Reconstruct freeway interchange in Goleta.
• Route 101/Route 154 (North)	\$ 5.0M -	Construct new freeway interchange near Los Olivos.
• Route 101/Betteravia Road	\$ 6.0M -	Reconstruct freeway interchange in Santa Maria.
• Route 101/Stowell Road	\$ 3.0M -	Reconstruct freeway interchange in Santa Maria.
• Route 101/Main Street	\$ 5.0M -	Revise freeway interchange in Santa Maria.
• Route 101/Donovan Road	\$ 2.5M -	Revise freeway interchange in Santa Maria.
• Route 166	\$ 3.5M -	Construct left turn lanes and safety improvements between Santa Maria and Guadalupe.
• Route 135/Betteravia Road	\$ 1.5M -	Improve intersection in Santa Maria.
• Hollister-Fairview	\$ 4.0M -	Improve intersection in Goleta.
• Project Reserve Fund	\$ 4.5M -	Route location, right-of-way protection, environmental work, safety mitigation.

* Amendment reallocated half of the funding for the Route 101 project to the County and cities.

**Funding for Route 101/Castillo Street Project was added to Route 101/LaCumbre Road Project.

APPENDIX B

Examples of Eligible & Ineligible Street & Road Projects

SECTION I - GENERAL DEFINITIONS

The following information was derived from the "Manual of Uniform Highway Accounting and Financial Management Procedures" developed by the American Association of State Highway Officials.

The definitions presented are those pertinent for the proper accounting of street and road costs. Although some consolidations have been made and certain wording modified, they are essentially those contained in the above referenced manual.

There is general acceptance of a clear distinction between the terms new construction, maintenance and overhead. In a broad sense, construction is the creation of a facility on a new location, while maintenance is the task of preserving a facility in proper condition as practicably as possible in relation to its original constructed condition, and overhead consists of those costs related to a given product or service, but that which cannot be readily discerned. The following information is provided to define explicitly the categories of expenditures as well as provide examples for guidance.

In relation to the Highway Users Tax Program and reporting on the Annual Street Report, the following classifications of expenditures are recommended. The general classifications of street and road working activities are defined as follows:

CONSTRUCTION. The building or rebuilding of streets, roads, bridges, and acquisition of rights-of-way or their component parts to a degree that improved traffic service is provided and geometric or structural improvements are effected, including allocated administration and engineering necessarily incurred and directly related to the above.

Construction Categories and Examples

Construction work includes three categories:

A. New location. A construction which substantially deviates from the existing alignment and provides for an entirely new street or roadbed for the greater part of its length.

B. General reconstruction. A construction involving realignment or the use of standards well above those of the existing element, whereby the type or the geometric and structural features are significantly changed.

C. Betterments. Minor construction which enhances traffic operation or increases the value or life of the facility or its components.

The following types of work are examples of street and road construction:

1. The removal of old street and roadbeds and structures, and detour costs when connected with a construction project.
2. Change of alignment, profile, and cross-section.
3. Addition of a frontage street or road.
4. Original surfacing of shoulders.
5. The installation of original traffic signs and markers on routes.
6. Earthwork protective structures within or adjacent to the right-of-way areas.
7. A complete reconstruction or an addition to a culvert.
8. Reconstruction of an existing bridge or installation of a new bridge.
9. Widening of a bridge.
10. Installations or extensions of curb, gutter, sidewalks or underdrain.
11. Extensions and new installation of non-decorative walls.
12. Reconstruction of an intersection and its approximate approaches to a substantially higher type involving a change in its character and layout, including changes from a plain intersection to a major channelized intersection or to a grade separation and ramps.
13. Placing sufficient new material on soil surface or gravel street or road to substantially improve the quality of the original surface.
14. Improvement of a surface to a higher type.
15. Bituminous material of 1" or more placed on bituminous or concrete material. A lesser thickness may be considered construction provided the engineer shall certify that the resulting pavement is structurally adequate to serve anticipated traffic.
16. Remix existing bituminous surfacing with added materials to provide a total thickness of 1" or more. A lesser thickness may be considered construction provided the engineer shall certify that the resulting pavement is structurally adequate to serve anticipated traffic.
17. Stabilization of street or road base by additive, such as cement, lime or asphaltic material.
18. Widening of existing street or roadbed or pavement, with or without resurfacing.

19. Addition of auxiliary lanes such as speed change, storage, or climbing lanes.
20. Resurfacing, stabilizing or widening of shoulders, including necessary connections to side streets or road approaches.
21. Installation or addition to landscape treatment such as sod, shrubs, trees, irrigation, etc.
22. Extending old culverts and drains and replacing headwalls.
23. Replacement of bridge rails and floors to a higher standard.
24. Replacement of retaining walls to a higher standard.
25. Replacement of all major signs or traffic control devices on a street or road.
26. The installation of a new sign or the replacement of an old sign with one of superior design such as increased size, illumination, or overhead installations.
27. Installation or improvement of traffic signal controls at intersections and protective devices at railroad grade crossings.
28. Installation or expansion of street or road lighting system.
29. Replacement in kind, when legally required, of structures which are required to be relocated for street and road purposes.
30. Construction of bikeways when they are an integral part of the Public Streets and Highways System.
31. Extension or new installation of guardrail, fences, raised medians or barriers for traffic safety.
32. Painting or rearrangement of pavement striping and markings, or repainting to a higher standard.
33. Construction of pedestrian underpasses or overhead crossings for the general public use.
34. Purchase and installation of traffic signal control equipment, including traffic actuated equipment, radio or other remote control devices and related computers and that portion of preemption equipment not mounted on motor vehicles.

MAINTENANCE. The preservation and upkeep of a street or road constructed condition, and the operation of a street or road facility and its integral services to provide safe, convenient and economical highway transportation.

Maintenance categories and examples

- A. **Physical Maintenance** - The preservation and upkeep of a highway, including all of its elements, in as nearly as practicable its original condition or its subsequently improved condition.
- B. **Traffic Services** - The operation of a highway facility, and services incidental thereto, to provide safe, convenient and economical travel.
1. Scarifying, reshaping and restoring material losses.
 2. Applying dust palliatives.
 3. Patching, repairing, surface treating, and joint filling on bituminous or concrete surfaces.
 4. Jacking concrete pavements.
 5. Repair of traveled way and shoulders.
 6. Bituminous material of less than 1" added to bituminous material including seal coats.
 7. Remix existing bituminous surfacing with added materials to provide a total thickness of less than 1". (See exception under Construction, example 16.)
 8. Patching operations including base restoration.
 9. Resealing street or road shoulders and side street and road approaches.
 10. Reseeding and resodding shoulders and approaches.
 11. Reshaping of drainage channels and side slopes.
 12. Restoration of erosion controls.
 13. Cleaning culverts and drains.
 14. Removing slides and restoring facilities damaged by slides. (Additional new facilities shall be construction.)
 15. Mowing, tree trimming and watering within the street right-of-way.
 16. Replacing topsoil, sod, shrubs, trees, irrigation facilities, etc. on street and roadside.

17. Repairing curb, gutter, riprap, underdrain, culverts and drains.
18. Cleaning, painting and repairing bridges and structures.
19. All snow control operations such as erection of snow fences and the actual removal of snow and ice from the traveled way.
20. Repainting of pavements, striping and marking to the same standards.
21. Repainting and repairing of signs, guardrails, traffic signals, lighting standards, etc.
22. Servicing lighting systems and street or road traffic control devices.
23. Furnishing of power for street and road lighting and traffic control devices.

OVERHEAD Those elements of cost necessary in the production of an article or performance of a service which are of such a nature that the amounts applicable to the functions are not readily discernible. Usually they relate to those objects of expenditure which do not become an integral part of the finished product or service.

Overhead categories and examples

Components of overhead are shown below and are comprised of costs which cannot be identified or charged to a project, unless an arbitrary allocation basis is used.

Payroll	Departmental Accounts/Finance
Personnel	Facilities
Procurement	Data Processing
Advertising	Top Management
Legal Costs	Bids/Estimates Expenditures
General Government	General Accounting/Finance

A special notation is warranted here on overhead. It will only be allowed via an approved cost allocation plan or an equitable and auditable distribution of overhead to all departments.

SECTION II - INELIGIBLE EXPENDITURES

In the course of performing many types of projects the term "construction" is utilized, however, this does not make them eligible for funding under the highway users tax program. To be eligible the work must be for a street or road purpose.

Ineligible Expenditures

Although many types of work may be classified as "construction", this does not make them automatically eligible. To be eligible they must be for street or road purposes.

The following is a list of the types of expenditures which are not eligible for financing from Section 2104, 2106 or 2107 monies:

1. Costs of rearranging non-highway facilities, including utility relocation, when not a legal road or street obligation.
2. New (first installation of) utilities, including water mains, sanitary sewers and other non-street facilities.
3. Cost of leasing property or right-of-way, except when required for construction work purposes on a temporary basis.
4. The cost of constructing or improving a street or area for parking purposes, except for the width normally required for parking adjacent to the traveled way and within the right-of-way.
5. Decorative lighting.
6. Park features such as benches, playground equipment, and rest rooms.
7. Work outside the right-of-way which is not a specific right-of-way obligation.
8. Equestrian under- and overpasses or other similar structures for any other special interest group unless a part of a right-of-way obligation.
9. Construction, installation or maintenance of cattle guards.
10. Acquisition of buses or other mass transit vehicles or maintenance and operating costs for mass transit power systems or passenger facilities. Passenger facilities include but are not limited to bus benches, shelters, and bus stop signs, or equipment and services.
11. Maintenance or construction on alleys which have not been formally designated as part of the jurisdiction's street and road system.
12. Non-street related salaries and benefits.
13. Improvements and maintenance to park and ride designated lots.
14. Driveways outside of the street and road right-of-way.

APPENDIX C

SAMPLE RESOLUTION

RESOLUTION OF THE CITY / COUNTY OF
ADOPTING THE MEASURE D TWO-YEAR
LOCAL PROGRAM OF PROJECTS
FOR FISCAL YEARS 2009 THROUGH 2010

WHEREAS, on November 7, 1989, the voters of Santa Barbara County approved the Santa Barbara Transportation Improvement Program Ordinance and Expenditure Plan known as Measure D; and

WHEREAS, the Ordinance provides that the Santa Barbara County Local Transportation Authority shall annually approve a program of projects submitted by local jurisdictions identifying those transportation projects eligible to use Measure D funds during the succeeding three-year period; and

WHEREAS, the City / County of _____ was provided with an estimate of annual Measure D local revenues for fiscal years 2009 through 2010; and

WHEREAS, the City / County of _____ has held a public hearing in accordance with Section 5 of the Ordinance; NOW THEREFORE

BE IT RESOLVED that the City / County of _____ does hereby adopt the attached Two-Year Program of Projects to be funded in part with Measure D revenues.

BE IT FURTHER RESOLVED that the City / County of _____ certifies that it will include in its budget an amount of local discretionary funding for local streets and roads sufficient to comply with the Maintenance of Effort requirements contained in Section 9 of the Ordinance, and

BE IT FURTHER RESOLVED that the City / County of _____ will not use Measure D revenues to replace private developer funding that has been committed to a transportation project or would otherwise be required under current City / County policies.

BE IT FURTHER RESOLVED that the City / County of _____ has complied with all other applicable provisions and requirements of the Ordinance.

PASSED AND ADOPTED by the governing board of the City / County of _____ on this _____ day of _____, 2008.

Table 2

Two Year Estimate of Measure D Local Apportionments
 (FY 2009-2010)

Jurisdiction	Population	FY 08-09 Estimate	FY 09-10 Estimate
Buellton	4,663	\$298,032	\$307,429
Carpinteria	14,123	793,144	\$829,684
Goleta	30,169	1,635,185	\$1,715,531
Guadalupe	6,397	397,126	\$403,157
Lompoc	42,015	2,266,530	\$2,369,509
Santa Barbara City	89,456	4,762,379	\$4,988,570
Santa Barbara County	141,774	7,753,942	\$7,876,873
Santa Maria	90,333	4,932,380	\$5,036,986
Solvang	5,495	346,816	\$353,361
Total	424,425	\$23,185,534	23,881,100

FY 08-09 estimates reflect recalculation adjustments based on revised DOF population figures for Jan. 06