

**AN ORDINANCE OF THE SAN MATEO COUNTY TRANSIT DISTRICT IMPOSING A  
ONE-HALF OF ONE PERCENT RETAIL TRANSACTIONS AND USE TAX TO IMPLEMENT  
THE SAN MATEO COUNTY CONGESTION RELIEF PLAN**

**WHEREAS**, the San Mateo County Transit District (the "District") is a public transit district duly formed pursuant to Part 15 (commencing with Section 103000) of Division 10 of the Public Utilities Code of the State of California (hereinafter referred to as the "Transit District Act") and approved by the voters of the County of San Mateo in the general election held on November 5, 1974; and

**WHEREAS**, effective January 1, 2018, the Transit District Act was amended by California Assembly Bill No. 1613 to authorize a new retail transactions and use tax and to permit the District to administer the new tax in its entirety or to transfer the proceeds of such tax to the San Mateo County Transportation Authority (the "Authority"), a county transportation authority duly created pursuant to Division 12.5 (commencing with Section 131000) of the Public Utilities Code of the State of California (hereinafter referred to as the "Authority Act"), for administration by the Authority, with such administration to be consistent with the expenditure plan developed for such tax pursuant to Section 103350(c) of the Transit District Act; and

**WHEREAS**, the Authority Act also was amended effective January 1, 2018 by California Assembly Bill No. 1613 as set forth in Section 131507(b) of the Authority Act to authorize the Authority to administer funds transferred to it by the District pursuant to Section 103350(d) of the Transit District Act; and

**WHEREAS**, the District has proposed approval of this Ordinance that has as its special purpose to: 1) authorize the District to impose a one-half of one percent (0.5%) retail transactions and use tax for a period of thirty (30) years, and 2) authorize the District and the Authority to allocate the proceeds of the retail transactions and use tax to fund the transportation improvements included in the San Mateo County Congestion Relief Plan ("Congestion Relief Plan"); and

**WHEREAS**, implementation of the Congestion Relief Plan, which is set forth herein as Section 6, will be guided by a set of core principles established in Section 1, below.

**NOW, THEREFORE, BE IT ORDAINED** as follows:

**Section 1. Title; Summary**

- a. This ordinance shall be known as the "2018 San Mateo County Transit District Retail Transactions and Use Tax Ordinance" and may also be referred to herein as the "Ordinance."
  
- b. This Ordinance imposes a retail transactions and use tax at the rate of one-half of one percent (0.5%) within the County to be operative on the first day of the first calendar quarter commencing not less than 180 days after the adoption of this Ordinance by the voters, the authority to levy such tax to remain in effect for thirty (30) years, for the purpose of implementing the Congestion Relief Plan.
  
- c. Investment categories identified in the Congestion Relief Plan are to be implemented primarily with guidance from the Core Principles set forth below, as applicable:
  - Relieve traffic congestion countywide;
  - Invest in a financially-sustainable public transportation system that increases ridership, embraces innovation, creates more transportation choices, improves travel experience, and provides quality, affordable transit options for youth, seniors, people with disabilities, and people with lower incomes;
  - Implement environmentally-friendly transportation solutions and projects that incorporate green stormwater infrastructure and plan for climate change;
  - Promote economic vitality, economic development, and the creation of quality jobs;
  - Maximize opportunities to leverage investment and services from public and private partners;
  - Enhance safety and public health;

- Invest in repair and maintenance of existing and future infrastructure;
  - Facilitate the reduction of vehicle miles travelled, travel times and greenhouse gas emissions;
  - Incorporate the inclusion and implementation of complete street policies and other strategies that encourage safe accommodation of all people using the roads, regardless of mode of travel;
  - Incentivize transit, bicycle, pedestrian, carpooling and other shared-ride options over driving alone; and
  - Maximize potential traffic reduction associated with the creation of housing in high-quality transit corridors.
- d. The District will administer the retail transactions and use tax imposed by this Ordinance ("2018 Sales Tax") and, as authorized by Section 103350(d) of the Transit District Act, may transfer proceeds of the 2018 Sales Tax to the San Mateo County Transportation Authority for administration by the Authority consistent with the Congestion Relief Plan.
- e. The District and the Authority shall develop guidelines to administer the tax revenues received from the enactment of the retail transactions and use tax, and shall respectively allocate the tax revenues to the categories set forth in the Congestion Relief Plan. Administration of the Congestion Relief Plan will be subject to review by an independent citizens' oversight committee to ensure compliance with the Congestion Relief Plan.
- f. The provisions in this Ordinance shall apply solely to the retail transactions and use tax adopted pursuant to this Ordinance. Nothing in this Ordinance is intended to modify, repeal or alter any ordinances previously adopted by the District.

**Section 2. Definitions.**

- a. "Authority" means the San Mateo County Transportation Authority, a county transportation authority established pursuant to Division 12.5 of the Public Utilities

Code of the State of California, commencing with Section 131000 thereof, as amended and supplemented from time to time pursuant to its terms.

- b. "Authority Act" means Division 12.5 (commencing with Section 131000) of the Public Utilities Code of the State of California, as amended and supplemented from time to time pursuant to its terms.
- c. "Board" means the Board of Directors of the District.
- d. "Board of Supervisors" means the Board of Supervisors of the County.
- e. "Caltrain" means the rail line operated by the Peninsula Corridor Joint Powers Board between Gilroy and San Francisco.
- f. "Category" means any one of the five transportation program categories listed in the Congestion Relief Plan.
- g. "City" or "Cities" means a city or a town, or cities and towns, located within the County.
- h. "Congestion Relief Plan" means the expenditure plan of projects, programs and services, developed by the Board, in concurrence with the County, authorized pursuant to Section 103350 of the Transit District Act, set forth herein in Section 6, as amended and supplemented from time to time pursuant to its terms.
- i. "Core Principles" means the principles listed in Section 1.c of this Ordinance.
- j. "County" means the County of San Mateo.
- k. "Department of Tax and Fee Administration" means the California Department of Tax and Fee Administration or any successor thereto.

- l. "District" or "SamTrans" means the San Mateo County Transit District, which is the mobility manager for the County.
- m. "Government Code" means the Government Code of the State of California, as amended and supplemented from time to time pursuant to its terms.
- n. "Operative Date" means the date determined as described in Section 5 herein, July 1, 2019.
- o. "Pavement Condition Index" means a numerical index which is used to indicate the general condition of a specific section of road pavement.
- p. "Public Utilities Code" means the Public Utilities Code of the State of California, as amended and supplemented from time to time pursuant to its terms.
- q. "Revenue and Taxation Code" means the Revenue and Taxation Code of the State of California, as amended and supplemented from time to time pursuant to its terms.
- r. "Sales and Use Tax Law" means Part I of Division 2 of the Revenue and Taxation Code of the State of California, commencing with Section 6000 thereof, as amended and supplemented from time to time pursuant to its terms.
- s. "SamTrans" means the fixed-route bus system owned and operated by the District.
- t. "Tax Proceeds" means amounts received by the District from the Department of Tax and Fee Administration from the imposition of the 2018 Sales Tax imposed pursuant to this Ordinance.
- u. "Tax" or "2018 Sales Tax" means the one-half of one percent (0.5%) retail transactions and use tax imposed by this Ordinance upon approval of two-thirds

(2/3) of the electors voting on the ballot measure set forth in Section 17 hereof, to be used to fund the transportation improvements included in the Congestion Relief Plan.

- v. "Transactions and Use Tax Law" means Part 1.6 of Division 2 of the Revenue and Taxation Code of the State of California, commencing with Section 7251 thereof, as amended and supplemented from time to time pursuant to its terms.
  
- w. "Transit District Act" means Part 15 of Division 10 of the Public Utilities Code of the State of California, commencing with Section 103000 thereof, as amended and supplemented from time to time pursuant to its terms.
  
- x. "Vehicle Code" means the Vehicle Code of the State of California, as amended and supplemented from time to time pursuant to its terms.

### **Section 3. Findings.**

The Board hereby finds and determines that the recitals set forth above and incorporated herein by reference are true and correct. In addition, the Board hereby finds:

- a. The County is experiencing significant yearly growth in employment and population. This growth has rapidly outpaced investments in transportation solutions, resulting in unprecedented traffic congestion, and transit services that are not adequately resourced to support the County's evolving mobility demands.
  
- b. To address this issue, in 2017 the Governor signed Assembly Bill No. 1613, introduced by Assembly Member Kevin Mullin, authorizing the District to implement a new retail transactions and use tax of up to 0.5 percent if (i) the Board of Directors of the San Mateo County Transit District adopts the ordinance approving the tax before January 1, 2026, (ii) the Board, in concurrence with the County, develops a related transportation expenditure plan setting forth projects, programs and service, and (iii) the tax is adopted by a two-thirds vote of San Mateo County voters.

- c. Approval of this Ordinance and the Congestion Relief Plan is expected to provide the County with resources to implement transportation solutions that address countywide traffic congestion and improve travel times; repair, maintain and replace aging infrastructure; provide mobility solutions for seniors, people with disabilities and people with lower incomes; and improve overall quality of life for County residents.
- d. The Congestion Relief Plan is the product of extensive community engagement and public feedback. A public outreach process identified as "Get Us Moving San Mateo County" (the "Get Us Moving process") was launched by the District and the County Board of Supervisors in 2017 and was designed to develop a transportation investment plan based on San Mateo County residents' priorities.
- e. Tens of thousands of County residents, employers, community leaders, public officials and transportation experts participated in the Get Us Moving process. The Congestion Relief Plan is the result of the feedback provided through extensive surveys, community events, public meetings, town halls, and other venues.
- f. The categories, priorities, investment levels and policies included in the final Congestion Relief Plan were based on the feedback received during the Get Us Moving process and have been approved by the Board and the Board of Supervisors.

**Section 4. Imposition of Retail Transactions and Use Tax; Special Purpose; Use of Proceeds.**

Subject to the limits imposed by this Ordinance and the provisions of Section 103350 of the Transit District Act, including Section 103350(b) of the Transit District Act, which took effect January 1, 2018, the District hereby imposes, in the incorporated and unincorporated territory of San Mateo County, an additional retail transactions and use tax at the rate of one-half of one percent (0.5%), such tax (i) to be imposed beginning

on the first day of the first calendar quarter commencing not less than 180 days after the approval of the retail transactions and use tax by the electors voting on the ballot measure set forth in Section 17 hereof, (ii) to remain in effect for a period of thirty (30) years, and (iii) to be applied to fund the transportation improvements included in the Congestion Relief Plan.

More specifically, this Ordinance, if adopted, should be interpreted so as to:

- a. impose a new one-half of one percent (0.5%) retail transactions and use tax in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code and consistent with Article XIII C of the California Constitution;
- b. set a maximum term of thirty (30) years during which time the retail transactions and use tax shall be imposed pursuant to the authority granted by Section 103350(a) of the Public Utilities Code;
- c. incorporate provisions identical to those of the Sales and Use Tax Law insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.6 of Division 2 of the Revenue and Taxation Code;
- d. establish that the retail transactions and use tax be administered and collected by the Department of Tax and Fee Administration in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the Department of Tax and Fee Administration in administering and collecting state transactions and use taxes as such terms are defined in the Sales and Use Tax Law;
- e. authorize the administration of the retail transactions and use tax in a manner that will, to the degree possible, be consistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting the retail transactions and use taxes and at the same time minimize the burden of



record keeping upon persons subject to taxation under the provisions of this Ordinance;

- f. adopt the Congestion Relief Plan, and require that proceeds of the tax imposed by this Ordinance be used in accordance with applicable law and solely for the projects and purposes set forth in the Congestion Relief Plan, including the improvement, construction, maintenance, and operation of certain transportation projects and facilities;
- g. establish implementation guidelines for the Congestion Relief Plan and an independent oversight committee with responsibility to review and report to the public on implementation the Congestion Relief Plan; and
- h. authorize the issuance, from time to time, of limited tax bonds to finance transportation improvements consistent with the Congestion Relief Plan, the Transit District Act and other applicable law.

**Section 5. Applicability; Effective Date; Operative Date and Period of Tax Imposition, Termination Date.**

- a. This Ordinance shall be applicable in the incorporated and unincorporated territory of the County.
- b. The Ordinance will become effective at the close of the polls on the day of election at which the ballot measure set forth in Section 17 of this Ordinance is adopted by a two-thirds (2/3) vote of the electors voting on such ballot measure at such election.
- c. Pursuant to Section 103351 of the Public Utilities Code, this Ordinance shall be operative on the first day of the first calendar quarter commencing not less than 180 days after the adoption of the Ordinance, July 1, 2019.

- d. The maximum period during which the 2018 Sales Tax will be imposed is thirty (30) years, terminating June 30, 2049.

## **Section 6. San Mateo County Congestion Relief Plan**

The Congestion Relief Plan contains five transportation program categories. Listed below are the six categories (each a "Category"). Also identified is the percentage distribution of funding for each Category.

- a. Countywide Highway Congestion Improvements (22.5 percent)

A total of twenty two and one-half percent (22.5%) of Tax Proceeds will be invested in highway projects throughout the County designed to: provide congestion relief; reduce travel times; increase person throughput; improve highway and interchange operations, safety and access; and deploy advanced technologies and communications on the highways. Eligible candidate projects will be focused on highway and interchange facilities, including Highway 101, Highway 280, and other highways and their interchanges. Eligible candidate projects can include bicycle and pedestrian components or facilities that are incorporated into and enhance safety for a larger highway or interchange project.

Investment will be made on a discretionary basis according to criteria and award schedules established by the Authority. Sample candidate projects are set forth in Attachment A.

- b. Local Safety, Pothole and Congestion Relief Improvements (12.5%)

A total of twelve and one-half percent (12.5%) of Tax Proceeds will be invested in major arterial and local roadway improvements in key congested areas throughout the County. These investments will be focused on improving safety, reducing congestion, and supporting all modes of travel on the County's roadway system. Eligible investments include, but are not limited to, the following: implement advanced technologies and communications on the

roadway system; improve local streets and roads by paving streets and repairing potholes; promote alternative modes of transportation, which may include funding shuttles or sponsoring carpools, bicycling and pedestrian programs; plan and implement traffic operations and safety projects, including signal coordination, bicycle/pedestrian safety projects, and separation of roadways crossing the Caltrain rail corridor.

Each year, ten percent (10%) of the annual Tax Proceeds (out of the 12.5% total Tax Proceeds designated for this Category) will be allocated to each of the Cities and the County on a formula basis to be used for any of the purposes designated in the paragraph above. The annual distributions will be based 50 percent on population and 50 percent on road miles, and will be adjusted annually. Each of the Cities and the County will be required to demonstrate that Tax Proceeds would be used to enhance and not replace its current investments for transportation projects and programs. If a City or the County has a Pavement Condition Index score (a "PCI Score") of less than 70, it must use Tax Proceeds under this Category exclusively for projects that will increase their PCI score until such time as they reach a PCI of 70 or greater. Each of the Cities and the County will be required to transmit an annual report on projects funded, including how the funded projects reflect the Core Principles, subject to guidance established by the District and/or the Authority. Use of Tax Proceeds by Cities and the County under this Category shall be subject to audits. Estimated annual distribution percentages to each of the Cities and the County under this Category as of 2018 are set forth in Attachment B.

Two and a one-half percent (2.5%) of the Tax Proceeds (out of the 12.5% total Tax Proceeds designated for this Category) will be invested in grade separations on a discretionary basis in accordance with criteria and award schedules established by the Authority.

c. Bicycle and Pedestrian Improvements (5%)

A total of five percent (5%) of Tax Proceeds will be invested in bicycle, pedestrian, and active transportation projects. Programming of funds under this Category will give priority to those projects that are designed to help reduce traffic congestion by safely connecting communities and neighborhoods with schools, transit, and employment centers; fill gaps in the existing bicycle and pedestrian network; safely cross barriers such as major roads, rail corridors, and highways; improve existing facilities to make them safer and more accessible for cyclists and pedestrians; and make walking or biking a safer and more convenient means of transportation for all County residents and visitors. Bicycle, pedestrian, and other transportation programs that incentivize mode shift to active transportation options will be eligible for funding.

Investment will be made on a discretionary basis according to criteria and award schedules established by the Authority. Sample candidate projects are set forth in Attachment D.

d. Regional Transit Connections (10% percent)

A total of ten percent (10%) of Tax Proceeds will be invested in infrastructure and services that are designed to improve transit connectivity between the County and the region. Currently, the County is connected to neighboring counties and the broader region with a network of transit options including rail, water transit, heavy rail, and regional bus services. More and more County residents are traveling longer distances to get to their jobs. Today, over 60 percent of residents commute to jobs in neighboring counties, and the vast majority of them drive alone, increasing congestion on already crowded highways.

Investments from this Category will be prioritized based on a project's ability to reduce congestion, a project's ability to enhance mobility options by connecting the County to the rest of the region, and a project's support through public-private partnerships.

Investment will be made on a discretionary basis according to criteria and award schedules established by the Authority. Sample candidate projects are set forth in Attachment E.

e. County Public Transportation Systems (50% percent)

A total of fifty percent (50%) of Tax Proceeds will be invested to support operations and capital needs of the County's primary public transit services comprised of SamTrans bus and paratransit service, Caltrain rail service, and other mobility services administered by the District.

Funding provided from this Category will provide additional funds to maintain and enhance bus, paratransit, and other mobility services to better serve vulnerable, underserved, youth, low-income, and transit-dependent populations throughout the County. Investments will be designed to increase ridership, improve efficiency, and reduce congestion within the County by facilitating the creation of new services that incentivize more riders to choose to use public transit.

Improvements to the County's bus network eligible for investment from this Category include, but are not limited to: increased frequencies on the SamTrans' core routes; expanded hours of service during mornings, evenings and weekends; changes and improvements that make service more accessible for youth, senior, disabled, and low-income populations; technology-based solutions that improve efficiency, convenience, access to information, and overall rider experience; improved first- and last-mile connections between job centers and transit hubs; and implementation of services, programs and policies that better connect neighborhoods and communities with popular destinations to make transit the travel option of choice for more the County residents.

Investment in the Caltrain rail service will be designed to help fulfill plans to expand service levels through the operation of modern, high-performance electric trains and to fund annual operating and capital needs, including

investment needed to maintain Caltrain's aging infrastructure and make capital improvements necessary to expand the system's ridership capacity.

Investment will be made on a discretionary basis by the District. Sample uses of funds are set forth in Attachment F.

### **Section 7. Administration of the San Mateo County Congestion Relief Plan**

- a. Responsibility for Administration and Implementation. As authorized pursuant to Section 103350 of the Transit District Act, the District (i) may administer the Congestion Relief Plan in its entirety or (ii) may transfer proceeds of the 2018 Sales Tax to the Authority for administration by the Authority consistent with the Congestion Relief Plan.
  
- b. Guidelines. The District and/or the Authority shall develop guidelines to administer the Tax Proceeds. The District and Authority will work closely and cooperatively with the California State Department of Transportation, the Metropolitan Transportation Commission, and the City/County Association of Governments of San Mateo County.
  
- c. San Mateo County Transportation Authority. Should the Authority cease to exist during the term of this Ordinance, any Tax Proceeds then under the administration of the Authority as authorized pursuant to Section 103350(d) of the Transit District Act and pursuant to Section 131057(b) of the Authority Act will revert to the District for administration, with such Tax Proceeds to be administered in accordance with the Congestion Relief Plan.

Salaries and benefits of staff of the Authority, including staff of any agency appointed by the Authority to act as its administering agency, and other costs incurred in connection with administering the Congestion Relief Plan constitute costs of administering the Congestion Relief Plan, which may be paid from Tax Proceeds and which shall be allocated as Tax Proceeds spent on the applicable Category in the Congestion Relief Plan.

The Authority will identify funding prioritization criteria consistent with the Core Principles for inclusion in its Strategic Plan. Criteria primarily informed by these Core Principles will apply to implementation and investment of the revenues generated by this measure for the categories administered by the Authority. Development of the Strategic Plan will include broad-based community engagement and coordination with cities, the County, relevant public agencies, and key transportation stakeholders.

- d. Allocation of Tax Proceeds; Reallocation. Tax proceeds shall be allocated to projects associated with the Categories identified in the Congestion Relief Plan. The Congestion Relief Plan is based on percentage distributions. Actual Tax Proceeds will be allocated in accordance with the percentages over the life of the Congestion Relief Plan (as opposed to year-by-year).

Under certain circumstances, after funds have been programmed and allocated to a project, reallocation may become necessary to effect the specific purposes of the Congestion Relief Plan. Project funds that have been programmed and allocated may become available for reallocation due to reasons which may include, but are not limited to:

1. the project is completed under budget;
2. the project is partially or fully funded from funding sources other than Tax Proceeds;
3. the project may not be completed due to infeasible design, construction limitations, or substantial failure to meet implementation milestones or guidelines.

Project funds must be reallocated within the same Category.

- e. Restrictions on the Use of Tax Proceeds
  - 1. Tax Proceeds must be spent for the purposes of funding projects consistent with the Categories described in the Congestion Relief Plan.
  - 2. Tax Proceeds must be expended within the County, except that (a) expenditures for the Countywide Highway Congestion Improvements Category may be made for projects that minimally extend into adjacent counties, (b) expenditures may be made under the County Public Transportations Systems Category for regional bus or similar services serving the County but traveling into or out of an adjacent county, and (c) expenditures may be made for the District's share of Caltrain systemwide improvements under the County Public Transportation Systems Category.
  - 3. Receipt of Tax Proceeds may be subject to appropriate terms and conditions, as determined by the District or Authority, as applicable, as the administrator of funds being transferred. Such terms and conditions may include, but are not limited to, the right to require recipients to execute funding agreements and the right to audit recipients' use of the Tax Proceeds.
  - 4. Tax Proceeds may only be used to supplement existing revenue being used for improvement and maintenance of local transportation, including streets and roads improvements and public transit purposes listed in the Congestion Relief Plan. Tax proceeds may not be used to replace funds previously provided by property tax or other revenues for public transportation purposes. Tax proceeds also may be advanced to facilitate implementation of the Congestion Relief Plan.
  
- f. Amendment of the Congestion Relief Plan. The District may supplement, revise or amend the Congestion Relief Plan to make administrative changes that are consistent with, and further the intent of, the Congestion Relief Plan. Such changes may include, but are not limited to, the adoption of policies and procedures for implementing the Congestion Relief Plan and clarifications to such policies and procedures.



- g. Environmental Review of Projects Funded Under the Congestion Relief Plan. Environmental reporting, review, and approval procedures as provided under the National Environmental Policy Act, the California Environmental Quality Act, or other applicable laws will be adhered to as a prerequisite to implementation of any project funded under the Congestion Relief Plan.
- h. Independent Citizens Oversight; Audits. Administration of the Congestion Relief Plan will be subject to review by a fifteen-member independent citizens' oversight committee to ensure Tax Proceeds are invested in a way that is consistent with the Congestion Relief Plan.

Members of the independent oversight committee will be appointed by the Board as follows:

- One member of the San Mateo County Transit District's Citizens Advisory Committee,
- One member of the San Mateo County Transportation Authority's Citizens Advisory Committee,
- One member of the Caltrain Citizen Advisory Committee representing San Mateo County,
- One Public Member of the City/County Association of Governments of San Mateo County's Bicycle and Pedestrian Advocacy Committee,
- One member representing private-sector employers,
- One member representing organized labor,
- One member representing an environmental or sustainability-related organization,
- One member representing people with disabilities
- One member representing youth transit riders
- One member representing the senior community
- One member from each of the County's five Supervisorial Districts.

Terms will be staggered. To provide for staggered terms, the length of the initial term of each appointee will vary, with no term exceeding three years. Subsequent terms will be three years.

Annually, the District shall have an audit conducted by an independent auditor. The auditor shall review the receipt of Tax Proceeds and expenditure of Tax Proceeds under the Congestion Relief Plan. The independent oversight committee shall receive the audit findings report, hold a public hearing and issue a report annually to provide County residents with information regarding how Tax Proceeds are being spent. The hearing will be held at a public meeting subject to the Ralph M. Brown Act.

#### **Section 8. Contract with the State.**

Prior to the Operative Date, as provided in the Transit District Act, the District will contract with the Department of Tax and Fee Administration to perform all functions incident to the administration and operation of this Ordinance and the 2018 Sales Tax; provided that, if the District shall not have contracted with the Department of Tax and Fee Administration prior to the Operative Date of this Ordinance, the District shall nevertheless so contract and in such case, the Operative Date of this Ordinance shall be the first day of the first calendar quarter following the execution of such a contract and references herein to June 30, 2049 shall be extended to permit collection of the 2018 Sales Tax for up to thirty (30) years.

#### **Section 9. Transactions and Use Tax Rate of One-Half of One Percent; Excise Tax Rate of One-Half of One Percent**

- a. Transactions Tax Rate. For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated and unincorporated territory of San Mateo County at the rate of one-half of one percent (0.5%) of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in the County on and after July 1, 2019. This tax shall be imposed for a maximum period of thirty (30) years.

- b. Use Tax Rate. An excise tax is hereby imposed on the storage, use, or other consumption in San Mateo County of tangible personal property purchased from any retailer on and after July 1, 2019 for storage, use, or other consumption in the County at the rate of one-half of one percent (0.5%) of the sales price of the property. This tax shall be imposed for a maximum period of thirty (30) years.

**Section 10. 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 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 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 Department of Tax and Fee Administration.

**Section 11. Adoption of Provisions of State Revenue and Taxation Code.**

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 part of this Ordinance as though fully set forth herein.

**Section 12. 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, wherever the State of California is named or referred to as the taxing agency, the name of the District shall be substituted therefor. The substitution, however, shall not be made: (i) when the word "State" is used as part of the title of the State Controller, the State Treasurer, the State Board of Control, the Department of Tax and Fee Administration, State Treasury, or the Constitution of the State of California; (ii) when the result of that substitution would require action to be taken by or against the District or

the Authority or any agent, officer, or employee thereof rather than by or against the Department of Tax and Fee Administration, in performing the functions incident to the administration or operation of this Ordinance; (iii) 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 the 2018 Sales Tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from the 2018 Sales Tax while such sales, storage, use, or other consumption remains subject to tax by the State of California under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or (b) impose the 2018 Sales 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 of California under said provisions of the Revenue and Taxation Code; and (iv) in Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797, or 6828 of the Revenue and Taxation Code. The name of the "District" 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 13. 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 14. Exemptions, Exclusions, and Credits.**

- a. There shall be excluded from the measure of the 2018 Sales Tax the amount of any transactions and 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 and use tax.
- b. There are exempted from the computation of the amount of transactions tax portion of the 2018 Sales Tax gross receipts derived 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 the State of California, 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 a 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 subsection, delivery to a point outside the County shall be satisfied;
  - i. with respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, and undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code by registration to an out-of-County address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, his or her principal place of residence; and
  - ii. with respect to commercial vehicles, by registration to a place of business out-of-County, and a declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.
3. 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; and
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 numbered sections 3 and 4 of this Section 14(b), 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 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 the 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 the State of California, the United States, or any foreign government. This exemption is in addition to the exemptions provided in Section 6366 and 6366.1 of the Revenue and Taxation Code 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; and
  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 numbered sections 3 and 4 of this Section 14(c), above, storage, use, or other consumption, or possession, 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 during 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 numbered section 7 of this Section 14(c), below, 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, agency, 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 or reimbursement for transaction tax paid to a district imposing, or retailer liable for a transaction tax pursuant to Chapter 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 15. Revenue and Taxation Code Amendments.**

All amendments to Part 1 of Division 2 of the Revenue and Taxation Code relating to sales and use taxes and which are not inconsistent with Part 1.6 of Division 2 of the Revenue and Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, enacted subsequent to the effective date of this Ordinance as described in Section 5 hereof, shall automatically become

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 16. Issuance of Bonds.**

From time to time, pursuant to Section 103357, *et seq.* of the Transit District Act, the District is authorized to issue limited tax bonds payable from, and secured by a pledge of, Tax Proceeds to finance transportation improvements consistent with the Congestion Relief Plan. As authorized pursuant to Section 103358(b) of the Transit District Act, the pledge of the Tax Proceeds shall have priority over the use of any of the Tax Proceeds for "pay-as-you-go" financing.

Maximum bonded indebtedness which may be outstanding at any one time may not exceed the estimated proceeds of the 2018 Sales Tax as determined by the District.

Nothing herein shall limit or restrict in any way the power and authority of the District to issue bonds, notes or other obligations, to enter into loan agreements, leases, reimbursement agreements, standby bond purchase agreements, interest rate swap agreements or other derivative contracts or to engage in any other transaction under the Public Utilities Code, the Government Code or any other applicable law.

**Section 17. Ballot Measure.**

There shall be proposed to the voters of San Mateo County, the following proposition:

"To reduce highway traffic congestion (including 101, 280, interchanges); repair potholes, maintain streets, reduce local traffic, improve pedestrian safety in every San Mateo County city; maintain affordable transit services for seniors/people with disabilities; increase Caltrain/SamTrans capacity, reduce travel times/car trips; implement the San Mateo County Congestion Relief Plan, shall San Mateo County Transit District's Ordinance levying a 30-year half-cent sales tax with independent citizen oversight, providing approximately \$80 million annually that the State cannot take away, be adopted?"



**Section 18. Enjoining Collection Forbidden.**

No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action, or proceeding against the State of California, the District, or the Authority, or against any officer of the State of California, the District, or the Authority, to prevent or enjoin the collection of any tax or any amount of tax required to be collected under this Ordinance or under Part 1.6 of Division 2 of the Revenue and Taxation Code.

**Section 19. Severability.**

If any provision of this Ordinance including, but not limited to, any provision of the Congestion Relief Plan, any action taken to implement the Congestion Relief Plan, or the application of this Ordinance or the Congestion Relief Plan to any person or circumstance is held invalid or unenforceable by a court of competent jurisdiction, all other provisions or actions taken to implement the Ordinance and/or the Congestion Relief Plan, which are otherwise lawful, shall remain in full force and effect.

Regularly passed and adopted this 11th day of July, 2018 by the following vote:

AYES:

NOES:

ABSENT:

\_\_\_\_\_  
Chair, San Mateo County Transit District

ATTEST:

\_\_\_\_\_  
Acting District Secretary

Attachment A: Countywide Highway Congestion Improvements Category Sample  
Candidate Projects

<i>Geographic Location</i>	<i>Title</i>
Countywide	Countywide Transportation Demand Management (TDM) / Commute Alternatives Program
Countywide	Intelligent Transportation System (ITS) / San Mateo County Smart Corridor
County of San Mateo (near Cities of Menlo Park, Portola Valley)	Interstate 280 and Alpine Road Reconfiguration
Cities of Foster City, San Mateo	State Route 92 / Highway 101 Interchange Improvements
Cities of Menlo Park, East Palo Alto	Dumbarton Corridor Highway Improvements (Enhanced Dumbarton Express bus service, supporting approach improvements, and Highway Bridge express lanes)
City of Brisbane	Reconstruct Highway 101/Candlestick Point Interchange
City of East Palo Alto	University Avenue/Highway 101 Interchange
City of Menlo Park	Roadway Grade Separations on Bayfront Expressway
Cities of East Palo Alto and Menlo Park	Bayfront Expressway Express Lanes
City of Millbrae	Interstate 280 Interchange Improvements Study at Hillcrest Boulevard and Larkspur Drive
City of Pacifica	Highway 1 Coastside Traffic Operation Improvement Project
City of Redwood City	Woodside Road/Highway 101 Interchange Improvements
City of San Mateo	Peninsula Avenue/Highway 101 Interchange
City of South San Francisco	Highway 101/Produce Avenue Interchange Project
Cities of South San Francisco, San Bruno	Littlefield Avenue / Interstate 380 Extension

This is a list of sample candidate projects. Other projects also may be submitted for consideration.

Attachment B: Local Safety, Pothole and Congestion Relief Improvements Category:  
City/County Formula Allocations

Estimated annual formula distribution percentages to each City and the County under the Local Safety, Pothole and Congestion Relief Improvement Category as of 2018 (based on 2017 population and road miles):

<i>Jurisdiction</i>	<i>Allocation Percentage</i>
Atherton	1.88 %
Belmont	3.55
Brisbane	1.02
Burlingame	4.32
Colma	0.28
Daly City	10.07
East Palo Alto	3.20
Foster City	3.39
Half Moon Bay	1.54
Hillsborough	3.03
Menlo Park	4.89
Millbrae	2.91
Pacifica	5.11
Portola Valley	1.49
Redwood City	9.62
San Bruno	5.02
San Carlos	4.35
San Mateo	12.15
South San Francisco	7.85
Woodside	1.79
County of San Mateo (unincorporated)	12.54
County Total	100.00 %

Attachment C: Local Safety, Pothole and Congestion Relief Improvements Category  
Sample City/County Projects

<i>Geographic Location</i>	<i>Title</i>
Countywide	Pavement preservation and rehabilitation
Countywide	Countywide Transportation Demand Management (TDM) / Commute Alternatives Program
Countywide	Intelligent Transportation System (ITS) / San Mateo County Smart Corridor
County of San Mateo (near Cities of Menlo Park, Portola Valley)	Alpine Road Corridor Improvements Project
County of San Mateo, City of Menlo Park	Alameda de las Pulgas/Santa Cruz Avenue Corridor Improvements
Cities of Belmont, San Carlos	Alameda de las Pulgas/San Carlos Corridor Improvements
City of Belmont	Ralston Avenue Corridor Improvements
Cities of Brisbane, Daly City	Geneva Avenue Extension
City of Burlingame	El Camino Real Pedestrian Safety Improvements and Roadway Infrastructure Improvements
City of Burlingame	Old Bayshore Highway Complete Streets Improvements
City of Daly City	State Route 35/Westridge Avenue Intersection Safety Improvement Project
City of East Palo Alto	University Avenue Resurfacing and Signal Upgrade
City of East Palo Alto	The Gardens Neighborhood Traffic and Transportation Plan
City of East Palo Alto	New Loop Road
City of East Palo Alto	Traffic & Transportation Mobility Master Plan
City of East Palo Alto	Runnymede at University Avenue Signal
City of Foster City	New Traffic Signals at Various Locations
City of Foster City	Traffic Signal System Upgrades

<i>Geographic Location</i>	<i>Title</i>
City of Menlo Park	Various Local Intersection Improvements
City of Millbrae	Active Transportation Streetscape Improvements
City of Millbrae	El Camino Real Corridor Study
City of Millbrae	Millbrae Rideshare Program
City of Millbrae	Millbrae Parking Guidance System
City of Pacifica	Manor Drive Overcrossing Improvement Project
City of Pacifica	Citywide Local Street and Road Maintenance
City of Redwood City	El Camino Real Corridor Plan Implementation
City of Redwood City	Broadway Transit Corridor Improvements
City of San Bruno	Cherry Avenue/San Bruno Avenue Intersection Improvements
City of San Carlos	Brittan Avenue and Alameda de las Pulgas Widening Project
City of San Mateo	Hillsdale Boulevard Corridor Improvements
City of San Mateo	19th Avenue/Fashion Island Boulevard Corridor Improvements
City of South San Francisco	Grand Boulevard Initiative
City of South San Francisco	Grand Avenue Complete Street Improvements
City of South San Francisco	Oak Avenue Extension
City of South San Francisco	Railroad Avenue Extension
Cities of: South San Francisco, San Bruno, Millbrae, Burlingame, San Mateo, Belmont, Redwood City, Atherton, Menlo Park	San Mateo County Grade Crossing and Grade Separation Program (South Linden Avenue, Scott Street, Center Street, Broadway Avenue, Oak Grove Avenue, North Lane, Howard Avenue, Bayswater Avenue, Peninsula Avenue, Villa Terrace, Bellevue Avenue, 1st Avenue, 2nd Avenue, 3rd Avenue, 4th Avenue, 5th Avenue, 9th Avenue, Whipple Avenue, Brewster Avenue, Broadway, Maple Street, Main Street, Chestnut Street, Fair Oaks Lane, Watkins Avenue, Encinal Avenue,

<i>Geographic Location</i>	<i>Title</i>
	Glenwood Avenue, Oak Grove Avenue, Ravenswood Avenue)
Town of Atherton	Selby Lane/El Camino Real/West Selby Lane Intersection Safety Improvements
Town of Colma	Hillside Boulevard Improvement Project
Town of Hillsborough	Traffic Safety Improvements

This is a list of sample projects. Other projects also may be considered for funding.

Attachment D: Bicycle and Pedestrian Improvements Category Sample Candidate Projects

<i>Geographic Location</i>	<i>Title</i>
Countywide	Safe Routes to School
City of Belmont	Belmont Village Specific Plan -- Mobility Implementation Measures
City of Belmont	Belmont Bike and Pedestrian Plan Implementation
City of Burlingame	California Drive Bicycle/Pedestrian Trail
City of Daly City	Daly City Citywide ADA Infrastructure and Pedestrian Improvement Project
City of East Palo Alto	Bicycle and Pedestrian Improvements Citywide
City of East Palo Alto	Scofield Avenue Sidewalk Improvements
City of East Palo Alto	Pedestrian Accessibility Improvements Citywide
City of Foster City	O'Neill Slough and Bay Trail Levee Bicycle Improvements
City of Half Moon Bay	East of Highway 1 Class I Multi-Use Path
City of Menlo Park	Enhance Pedestrian Crossings Citywide
City of Menlo Park	El Camino Real Pedestrian Crossing and Streetscape Improvements
City of Menlo Park	Build out City of Menlo Park Bicycle Network Citywide
City of Millbrae	Millbrae Avenue & Highway 101 Interchange Improvements
City of Millbrae	Millbrae Pedestrian Over Crossing at Highway 101
City of Millbrae	Citywide Bicycle and Pedestrian Improvements

<i>Geographic Location</i>	<i>Title</i>
City of Millbrae	Transit Shelter Program Citywide
City of Pacifica	State Route 1 Pedestrian and Bicycle Overcrossings at Reina Del Mar and Crespi Drive
City of Pacifica	ADA Infrastructure Improvement Projects Citywide
City of Redwood City	Bicycle Backbone Network Citywide
City of San Bruno	Cherry Avenue Bikeway Corridor
City of San Bruno	El Camino Real Pedestrian Crossing Improvements
City of San Carlos	Pedestrian Safety Improvement Plan for San Carlos Avenue
City of San Carlos	Holly Street Pedestrian Safety Improvement Plan
City of San Mateo	Pedestrian Overcrossing and Bike Bridge at Hillsdale Boulevard
City of South San Francisco	Hickey Boulevard / Junipero Serra Boulevard / Longford Drive Bike & Pedestrian Improvements
County of San Mateo (near City of Half Moon Bay)	Midcoast Multimodal/Parallel Trail
County of San Mateo (near Route 35 and Crystal Springs Dam)	Complete the Gap Trail Project
County of San Mateo (Countywide)	Bicycle and Pedestrian Master Plan for Unincorporated San Mateo County
County of San Mateo (marginally extends into City of Menlo Park)	Sand Hill Road Bicycle Lane Improvements/Additions Near Interstate 280
Town of Atherton	Bicycle/Pedestrian enhancements
Town of Colma	Hillside Boulevard Improvement Project Phase II & III Bike/Ped Improvements



<i>Geographic Location</i>	<i>Title</i>
Town of Hillsborough	ADA Ramp Installation and Improvements Citywide
Town of Portola Valley	Lighted Pedestrian Crossing Replacement/Additions
Town of Woodside	Town-wide Bicycle/Pedestrian/Equestrian Safety and Mobility Improvements

This is a list of sample candidate projects. Other projects also may be submitted for consideration.

## Attachment E: Regional Transit Connections Category Sample Candidate Projects

- BART Rail Car Expansion Project and station access improvements
- Dumbarton Corridor Improvements for enhanced express bus service, rail and bicycle/pedestrian multi-use
- Redwood and South San Francisco City Ferry Terminal and Vessels
- Caltrain Capital Improvements that provide key connections to regional projects at locations such as Millbrae and Redwood City intermodal Stations
- SamTrans Regional Express Bus Service

This is a list of sample candidate projects. Other projects also may be submitted for consideration.

Attachment F: County Public Transportation Systems Category County Bus Network  
Sample Candidate Projects

- Implementation of a SamTrans express bus network
- Conversion of SamTrans fleet to zero emission buses
- Increase service frequency of the core SamTrans bus network, possibly including expanded service hours
- Launch shared ride and technology driven models with the private sector to enhance service to riders
- Implementation of the SamTrans Older Adults and People with Disabilities Mobility Plan
- Implementation of the SamTrans Youth Mobility Plan
- Implementation of the Coastside Transit Study to better serve coastal residents
- Caltrain corridor capacity and service improvements in order to ease local and highway congestion in San Mateo County
- Upgrade of station amenities and improvement of multi-modal access to Caltrain stations in San Mateo County
- Projects to improve safety and reliability of Caltrain's infrastructure and equipment
- Improvements of first- and last-mile connections to the core transit services in San Mateo County
- Enhancements of the customer experience (for example: wi-fi) to promote ridership and long-term growth of the core transit services in San Mateo County

This is a list of sample projects. Other projects also may be considered for funding.