

San Bernardino Associated Governments	Ordinance No.	89-1
Adopted by the San Bernardino County Transportation Authority August 2, 1989	Revised	New 8/2/89
San Bernardino County Transportation Authority Transportation Expenditure Plan and Retail Transactions and Use Tax Ordinance	Revision No.	0
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The San Bernardino County Transportation Authority ordains as follows:

SECTION 1. SUMMARY. This ordinance provides for the imposition of a retail transactions and use tax of one-half percent, the authority to issue limited tax bonds, the administration of the tax proceeds, a [county transportation expenditure plan](#), and the establishment of an appropriations limit.

SECTION II. DEFINITIONS. The following definitions shall apply in this ordinance:

A. Expenditure Plan. "The Expenditure Plan" means the [San Bernardino County Transportation Expenditure Plan \(adopted as part of this Ordinance\)](#) including any future amendments thereto.

B. "County" means the County of San Bernardino.

C. "AUTHORITY" means the San Bernardino County Transportation Authority. The San Bernardino County Transportation Commission has been designated to serve as the Authority under the provisions of Public Utilities Code Section 180050.

SECTION III. AUTHORITY. This ordinance is enacted pursuant to the provisions of Division 19 (commencing with Section 180000) of the Public Utilities Code.

SECTION IV. IMPOSITION OF RETAIL TRANSACTIONS AND USE TAX. Upon voter approval of the same, the Authority shall impose, in the incorporated and unincorporated territory of the County of San Bernardino, a retail transactions and use tax (referred to as "the tax") at the rate of one-half of one percent (0.5%) for a period of twenty (20) years. The tax shall be imposed by the Authority in accordance with Section 180201 of the Public Utilities Code and Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code. The provisions of Revenue and Taxation Code Sections 7261 and 7262 are hereby incorporated herein by reference as though fully set forth herein. The tax shall be in addition to any other taxes authorized by law, including any existing or future state or local sales tax or transactions and use tax.

SECTION V. PURPOSES. The purposes for which the tax revenues may be used shall be for transportation purposes only and may include, but are not limited to, the administration of this division, including legal actions related thereto and costs of the initial preparation and election, the construction, maintenance, improvements, and operation of local streets, roads, and highways, state highways and freeways, public transit systems including rail, and related

purposes. These purposes include expenditures for planning, environmental reviews, engineering and design costs, and related right-of-way acquisition. They also include expenditures including, but not limited to, debt service on bonds and expenses in connection with issuance of bonds.

SECTION VI. BONDING AUTHORITY. Upon voter approval of the tax, the Authority shall have the power to sell or issue limited tax bonds in the aggregate principle at any one time in the amount outstanding of \$500 million to carry out the transportation projects described in the [Expenditure Plan](#).

SECTION VII. MAINTENANCE OF EFFORT. The Authority, by the enactment of this Ordinance, intends the additional funds provided government agencies by this chapter to supplement existing local revenues being used for street and highway purposes. The government agencies shall maintain their existing commitment of local transportation-related funds for transportation purposes pursuant to this Ordinance, and the Authority shall enforce this Section by appropriate actions.

SECTION VIII. ADMINISTRATION OF PLANS. The Authority shall impose and collect the tax, shall allocate revenues derived from the tax, and shall administer the [Expenditure Plan](#) attached to this Ordinance, consistent with the provisions and priorities of the Expenditure Plan, and consistent with the Authority cited herein.

SECTION IX. ADMINISTRATIVE COSTS. The Authority shall expend only that amount of the funds generated from the tax for staff support, audit, administrative expenses, and contract services that are necessary and reasonable to carry out its responsibilities, and in no case shall the funds expended for salaries and benefits exceed one percent (1%) of the annual amount of revenue raised by the tax. The Authority may enter into compensation arrangements, retirement and other benefit plans, and contractual or regular employee status provisions as it finds necessary, which may differ from those provided by the San Bernardino Associated Governments and the San Bernardino County Transportation Commission. After providing for necessary countywide administrative costs, a proportionate share of administrative costs shall be made available for administration of the [mountain-desert expenditure plan](#).

SECTION X. ANNUAL APPROPRIATIONS LIMIT. Pursuant to Section 4 of Article XIII.B of the California Constitution and Public Utilities Code Section 180202, an appropriations limit of \$250 million is established for the Authority for each fiscal year. The appropriations limit shall be subject to adjustment as provided by law.

SECTION XI. EFFECTIVE AND OPERATIVE DATES. Subject to voter approval, this ordinance shall take effect immediately at the close of the polls on November 7, 1989, and shall become operative on the first day of the first calendar quarter commencing more than 120 days after adoption of the ordinance. Prior to the operative date of the ordinance, the Authority shall contract with the State Board of Equalization to perform all functions incidental to the administration and operation of the ordinance.

SECTION XII. ELECTION. The Authority requests the Board of Supervisors to call an election for voter approval of the attached proposition (Measure I), which election shall be held on November 7, 1989, and consolidated with other elections to be held on that same date. The election shall be called and conducted in the same manner as provided by law for the conduct of elections by a county. The sample ballot to be mailed to the voters shall be the full proposition as set forth in this ordinance, and the voter information handbook shall include the [Expenditure Plan](#). Approval of the attached proposition, and imposition of the tax, shall require the vote of a majority of the electors voting on the attached proposition at the election described in this section.

SECTION XIII. SEVERABILITY. If any tax or provision of this ordinance is for any reason held invalid or unenforceable by a court of competent jurisdiction, that holding shall not affect the validity or enforceability of the remaining taxes or provisions, and the Commission declares that it would have passed each part of this ordinance irrespective of the validity of any other part.

PASSED AND ADOPTED by the San Bernardino County Transportation Authority on **8/2/89** by the following vote:

AYES: Walker, Mikels, Riordan, Pearson, Speyers, Aguiar, Cisneros, Boyles, Grant, Kitchen, Tully, Digneo, Rhinehart, Dastrup, Brown, Longville, Dobler, Scarpa, Wormser, Busby, and Vandersall.

NOES: NONE

ABSENT: Hammock, Turoci, Christensen, Holcomb

ABSTENTION: Pope

REVISION HISTORY

Revision No.	Revisions	Adopted
0	Adopted by the San Bernardino Country Transportation Authority	08/02/89
