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ANDREW POTTER, CCB
EXECUTIVE OFFICER/CLERK

CLERK OF THE BOARD OF SUPERVISORS
1600 PACIFIC HIGHWAY, ROOM 402, SAN DIEGO, CALIFORNIA 92101-2422
(619) 531-5600

RYAN SHARP
ASSISTANT CLERK

ANN MOORE
CHIEF DEPUTY CLERK

March 5, 2024

TO: Cynthia L. Paes
Registrar of Voters

FROM: Andrew Potter
Clerk of the Board of Supervisors

RESOLUTION NO. 24-011

Enclosed please find Resolution No. 24-011 adopted on February 27, 2024, item 5 entitled as follows:

A RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS SUBMITTING TO THE VOTERS AN INITIATIVE MEASURE TO FUND SAN DIEGO COUNTY TRANSPORTATION, INFRASTRUCTURE, AND SAFETY PROJECTS THROUGH A HALF-CENT SALES TAX.

The Clerk of the Board of Supervisors is forwarding a certified copy of this Resolution to the Registrar of Voters, who shall cause the complete text of this proposed measure to be either posted online or printed and mailed to each qualified elector in the County of San Diego not more than 40 nor less than 21 days prior to November 5, 2024, pursuant to Elections Code section 13303.

Please contact my staff at (619) 531-5434 if you have any questions regarding this matter.

Respectfully,

Teresa Jurita

Program Manager, Clerk of the Board of Supervisors

Attachment

Resolution No. 24-011

Meeting Date: February 27, 2024 (5)

**A RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS
SUBMITTING TO THE VOTERS AN INITIATIVE MEASURE TO FUND
SAN DIEGO COUNTY TRANSPORTATION, INFRASTRUCTURE, AND SAFETY
PROJECTS THROUGH A HALF-CENT SALES TAX**

WHEREAS, on November 17, 2023, proponents of the MEASURE TO FUND SAN DIEGO COUNTY TRANSPORTATION, INFRASTRUCTURE, AND SAFETY PROJECTS THROUGH A HALF-CENT SALES TAX initiative petition was filed with the San Diego County Registrar of Voters; and

WHEREAS, on January 3, 2024, the Registrar of Voters certified that the initiative petition had received a sufficient number of valid signatures pursuant to Section 9115 of the California Elections Code; and

WHEREAS, on February 27, 2024, the Board of Supervisors received the certification of the petition and hereby submits the initiative measure, without alteration, to the voters of San Diego County at the November 5, 2024 statewide general election; and

NOW THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of San Diego, pursuant to State law and Article 13 C of the California Constitution, that the MEASURE TO FUND SAN DIEGO COUNTY TRANSPORTATION, INFRASTRUCTURE, AND SAFETY PROJECTS THROUGH A HALF-CENT SALES TAX initiative measure be submitted to the eligible registered voters in San Diego County for approval or rejection at an election consolidated with the statewide general election to be held November 5, 2024 in San Diego County, State of California.

IT IS FURTHER RESOLVED that the Registrar of Voters of the County of San Diego be and is hereby ordered and directed to cause to be printed upon the official ballot to be used at said election to be held in San Diego County on November 5, 2024, the proposed measure as follows:

Measure . FUND SAN DIEGO COUNTY TRANSPORTATION, INFRASTRUCTURE, AND SAFETY PROJECTS THROUGH A HALF-CENT SALES TAX. To repair/upgrade roads, bridges, storm drains, rail lines, and prevent railway bluff collapse; reduce traffic congestion; improve pedestrian, bicyclist, and driver safety; improve public transit; protect wildlife habitat/air quality; and fill potholes; shall the measure authorizing a half-cent sales tax raising \$350,000,000 annually until ended by voters, requiring citizen oversight, public spending disclosure, and independent annual audits be adopted?	YES	
	NO	

IT IS FURTHER RESOLVED that the Clerk of the Board of Supervisors shall, without delay, forward a certified copy of this Resolution to the Registrar of Voters, who shall cause the complete text of this proposed measure to be either posted online or printed and mailed to each qualified elector in the County of San Diego not more than 40 nor less than 21 days prior to November 5, 2024, pursuant to Elections Code section 13303.

APPROVED AS TO FORM AND LEGALITY
CLAUDIA G. SILVA, COUNTY COUNSEL

BY: David Stotland, Senior Deputy County Counsel

ON MOTION of Supervisor Lawson-Remer, seconded by Supervisor Vargas, the above Resolution was passed and adopted by the Board of Supervisors, County of San Diego, State of California, on this 27th day of February 2024, by the following vote:

AYES: Vargas, Anderson, Lawson-Remer, Montgomery Steppe

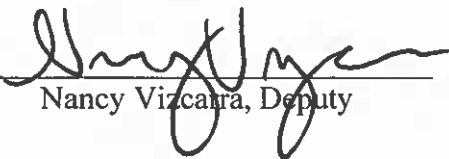
NOT PRESENT: Desmond

- - -

STATE OF CALIFORNIA)
County of San Diego) ^{SS}

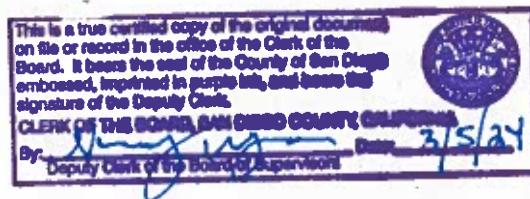
I hereby certify that the foregoing is a full, true and correct copy of the Original Resolution entered in the Minutes of the Board of Supervisors.

ANDREW POTTER
Clerk of the Board of Supervisors

By: 
Nancy Vizcarra, Deputy



Resolution No. 24-011
Meeting Date: 02/27/2024 (05)



The people of the County of San Diego ordain as follows:

Section 1. Title

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REC'D S.D. CO. ROV
This measure shall be known and may be cited as the San Diego County Improvement Measure for Traffic, Infrastructure, and Safety Ordinance.

Section 2. Findings

The people of the County of San Diego hereby find and declare the following:

- (a) San Diego County is a great place to live and raise a family, but traffic congestion, crumbling streets and freeway gridlock threaten our quality of life.
- (b) Time stuck in traffic takes away from time better spent at home with family and friends.
- (c) Pothole riddled streets lead to increased costs for car maintenance and fuel.
- (d) Aging infrastructure, from coastal rail lines to storm drains, are at serious risk of collapse.
- (e) And jam-packed freeways aren't only frustrating – they pollute our air and damage the climate.
- (f) To keep San Diego safe, livable and thriving, we need to invest in projects to reduce traffic, fix crumbling infrastructure, and improve transportation countywide.
- (g) This measure is focused on the essential transportation improvements that will make life better for San Diego County residents now: getting more cars off the road by expanding the transit system and making our existing roads and highways safer and more efficient.
- (h) The time is now – without this measure, we will experience even more traffic, gridlock, and smog as San Diego's population continues to grow and the number of cars increases.
- (i) This measure's funding is guaranteed to go directly to San Diego County transportation priorities – and nothing else. The funds go directly into a special account politicians can't touch and, if the funds are misused, violators will be subject to possible criminal prosecution by the District Attorney and Attorney General.

(j) Independent audits every year and a citizens' taxpayer oversight committee will ensure funds are spent wisely on transportation priorities as the voters intend.

Section 3. Purpose and Intent

It is the people of San Diego County's intent to do all of the following with the San Diego County Improvement Measure for Traffic, Infrastructure, and Safety Ordinance:

(a) Reduce traffic congestion and gridlock, improve freeway traffic flow and make commutes shorter and easier.

(b) Expand San Diego's public transit system with rapid routes to job centers and schools, a rail connection to the Airport, and improved service on trolleys and buses.

(c) Help address San Diego County's severe housing shortage by providing additional resources for our transportation and transit systems.

(d) Keep the transportation system safe with repairs, retrofits and safety upgrades to aging bridges, storm drains and rail lines on bluffs in danger of collapse.

(e) Reduce air pollution and preserve natural habitat and open space to protect San Diego's environment and quality of life.

(f) Make public transportation more affordable, convenient and reliable for seniors, students, the disabled and working-class people without cars who rely on transit.

(g) Create thousands of quality, blue-collar construction jobs and better connect our region's employment centers to attract jobs of all kinds to San Diego County.

(h) Create and maintain fire evacuation routes in wildfire-prone areas so San Diego County is prepared and safe in case of emergency.

(i) Provide funding for local road repairs in every city and in unincorporated San Diego County, including filling potholes, repaving streets and upgrades for pedestrian safety.

(j) The measure will not impose a tax or fee on drivers, developers, or others based on vehicle miles traveled (VMT) and does not impose vehicle miles traveled standards on commercial or residential development projects in San Diego County. The measure imposes a transaction and use tax, subject to a majority vote of County voters, at the rate of one-half of one percent (.5%) within San Diego County to fund transportation priorities within the County, including funding transportation infrastructure projects by the San Diego County Regional Transportation Commission.

(k) Protect taxpayers with strict accountability measures, including independent audits and citizens' oversight, to ensure funds are spent as intended by voters.

Section 4. County of San Diego Improvement Plan

Chapter 5 of Division 2 of Title 2 of the County of San Diego Code of Regulatory Ordinances is added to read as follows:

Chapter 5

San Diego County Improvement Measure for Traffic, Infrastructure, and Safety

22.501	Title
22.502	Definitions
22.503	Purpose
22.504	Contract with State
22.505	Transactions Tax Rate
22.506	Place of Sale
22.507	Use Tax Rate
22.508	Adoption of Provisions of State Law
22.509	Limitations on Adoption of State Law and Collection of Use Taxes
22.510	Permit Not Required
22.511	Exemptions and Exclusions
22.512	Amendments
22.513	Enjoining Collection Forbidden
22.514	[Reserved]
22.515	County of San Diego Improvement Plan Fund
22.516	Receipt of Proceeds
22.517	Use of Proceeds
22.518	Supplement to Existing Commission Funding
22.519	Expenditure Plan
22.520	Taxpayer Oversight Committee

22.501 Title

This chapter shall be known as the San Diego County Improvement Measure for Traffic, Infrastructure, and Safety Ordinance (the "Ordinance").

22.502 Definitions

For the purpose of this chapter, the following definitions shall apply:

"Commission" means the San Diego County Regional Transportation Commission created by Chapter 1576 of the Statutes of 1985 (Division 12.7 (commencing with Section 132000) of the Public Utilities Code).

“Committee” means the Taxpayer Oversight Committee established as set forth in Section 22.520.

“County” means the County of San Diego.

“Fund” means the San Diego County Improvement Measure for Traffic, Infrastructure, and Safety Fund.

“Operative Date” means the first day of the first calendar quarter commencing more than one hundred ten (110) days after the adoption of this Ordinance.

22.503 Purpose

This Ordinance is adopted to achieve the following, among other purposes, and directs that the provisions hereof be interpreted in order to accomplish those purposes:

(a) To impose a retail transactions and use tax in accordance with the provisions of Part 1.6 (commencing with Section 7251) and Section 7285.5 of Part 1.7 of Division 2 of the Revenue and Taxation Code, which authorize the County to adopt this tax Ordinance, which shall be operative if a majority of the electors voting on the measure vote to approve the imposition of the tax at an election called for that purpose. This retail transactions and use tax shall be in addition to any other taxes authorized by law, including any existing or future state or local transactions and use tax. The imposition, administration, and collection of the tax shall be in accordance with all applicable statutes, laws, and rules and regulations prescribed and adopted by the California Department of Tax and Fee Administration.

(b) To adopt a retail transactions and use tax ordinance that incorporates provisions identical to those of the Sales and Use Tax Law of the State of California 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.

(c) To adopt a retail transactions and use tax ordinance that imposes a tax therefor that can be administered and collected by the California 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 California Department of Tax and Fee Administration in administering and collecting the California State Sales and Use Taxes.

(d) To adopt a retail transactions and use tax ordinance that can be administered in a manner that will be, to the greatest degree possible, consistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting the 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.

22.504 Contract with State

(a) Prior to the operative date, the County shall contract with the California Department of Tax and Fee Administration to perform all functions incident to the administration and operation of this transactions and use tax Ordinance; provided, that if the County shall not have contracted with the California Department of Tax and Fee Administration prior to the operative date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract.

(b) Pursuant to section 22.517, the County may use the proceeds from this transactions and use tax Ordinance to pay for the costs to administer and operate the transactions and use taxes Ordinance pursuant to section 7272 of the Revenue and Taxation Code.

22.505 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 the 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 said territory on and after the operative date of this Ordinance.

22.506 Place of Sale

For 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 the retailer's 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 California Department of Tax and Fee Administration.

22.507 Use Tax Rate

An excise tax is hereby imposed on the storage, use or other consumption in the County of tangible personal property purchased from any retailer on and 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 (0.5%) 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.

22.508 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.

22.509 Limitations on Adoption of State Law and Collection of Use Taxes

(a) In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code:

(1) Wherever the State of California is named or referred to as the taxing agency, the name of this County shall be substituted therefore. However, the substitution shall not be made when:

(A) The word “State” is used as a part of the title of the State Controller, State Treasurer, State Treasury, or the Constitution of the State of California.

(B) The result of that substitution would require action to be taken by or against this County or any agency, officer, or employee thereof rather than by or against the California Department of Tax and Fee Administration, in performing the functions incident to the administration or operation of this Ordinance.

(C) 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:

(i) 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;

(ii) Impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the state under the said provision of that code.

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

(b) The word “County” shall be substituted for the word “State” in the phrase “retailer engaged in business in this State” in Section 6203 and in the definition of that phrase in Section 6203 of the Revenue and Taxation Code.

(c) “A retailer engaged in business in the County” shall also include any retailer that, in the preceding calendar year or the current calendar year, has total combined sales of tangible personal property in this state or for delivery in the State by the retailer and all persons related to the retailer that exceeds five hundred thousand dollars (\$500,000). For purposes of this section, a

person is related to another person if both persons are related to each other pursuant to Section 267(b) of Title 26 of the United States Code and the regulations thereunder.

22.510 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.

22.511 Exemptions and Exclusions

(a) There shall be excluded from the Ordinance 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, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the County in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government.

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

(A) With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, and undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code by registration to an out-of-county address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, his or her principal place of residence; and

(B) With respect to commercial vehicles, by registration to a place of business outside the County and declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.

(3) The sale of tangible personal property if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the operative date of this Ordinance.

(4) A lease of tangible personal property, which is a continuing sale of such property, for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the operative date of this Ordinance.

(5) For the purposes of paragraphs (3) and (4) of this section, the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

(c) There are exempted from the use tax imposed by this Ordinance, the storage, use or other consumption in this County of tangible personal property:

(1) The gross receipts from the sale of which have been subject to a transactions tax under any state-administered transactions and use tax ordinance.

(2) Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government. This exemption is in addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code of the State of California.

(3) If the purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the operative date of this Ordinance.

(4) If the possession of, or the exercise of any right or power over, the tangible personal property arises under a lease which is a continuing purchase of such property for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease prior to the operative date of this Ordinance.

(5) For the purposes of 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 or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

(6) Except as provided in subsection (7) a retailer engaged in business in the County shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the County or participates within the County in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in the County or through any representative, agent, canvasser, solicitor, subsidiary, or person in the County under the authority of the retailer.

(7) “A retailer engaged in business in the County” shall also include any retailer of any of the following: vehicles subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, or undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code. That retailer shall be required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in the County.

(d) Any person subject to use tax under this Ordinance may credit against that tax any transactions tax or reimbursement for transactions tax paid to a county 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.

22.512 Amendments

All amendments subsequent to the effective date of this Ordinance to Part 1 of Division 2 of the Revenue and Taxation Code relating to sales and use taxes and which are consistent with Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, shall automatically become a part of this Ordinance, provided however, that no such amendment shall operate so as to affect the rate of tax imposed by this Ordinance.

22.513 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 County, or against any officer of the State or the County, 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.

22.514 [Reserved]

22.515 San Diego County Improvement Measure for Traffic, Infrastructure and Safety Fund

There is hereby established in the treasury of the County of San Diego a special fund called San Diego County Improvement Measure for Traffic, Infrastructure, and Safety Fund, which shall be maintained by the County.

22.516 Receipt of Proceeds

(a) All revenue generated by this Ordinance shall be deposited into the San Diego County Improvement Measure for Traffic, Infrastructure, and Safety Fund.

(b) The uses and expenditures of money allocated to the San Diego County Improvement Measure for Traffic, Infrastructure and Safety Fund shall be governed by and subject to the requirements set forth in sections 22.517 through 22.519.

22.517 Use of Proceeds

(a) Moneys in the San Diego County Improvement Measure for Traffic, Infrastructure, and Safety Fund shall be used to reimburse the County for the costs imposed by the California Tax and Fee Administration to administer and operate this tax pursuant to subdivision (b) of section 22.504 and for use by the Taxpayer Oversight Committee pursuant to subdivision (e) of section 22.520.

(b) The remaining moneys in the Fund shall be appropriated each fiscal year to the San Diego County Regional Transportation Commission solely for the purposes specified in section 22.519.

22.518 Supplement to Existing Commission Funding

(a) The People of the County of San Diego find and declare that transportation infrastructure needs of the County require more resources than currently provided. In adopting this measure, the people of the County of San Diego choose to provide additional County resources to supplement, and not supplant, local, State, Federal and other funding for the Commission.

(b) This funding is intended to be in addition to and not to replace any other monies provided by the County to the Commission.

22.519 Expenditure Plan

(a) The proceeds in the San Diego County Improvement Measure for Traffic, Infrastructure, and Safety Fund shall be expended in the following manner:

(1) Fifty percent (50%) on capital projects related to transit including, but not limited, to:

(A) Upgrades and improvements to the I-5 North Coast Corridor rail line to prevent bluff collapse, and to increase rail route safety and reliability;

(B) Rail connector to San Diego International Airport;

(C) Rail system extension from South County to Kearny Mesa;

(D) Infrastructure upgrades for express service on South County rail lines;

(E) Creating a system of rapid routes/transit connections between population and job centers, including Mission Valley, Sorrento Valley, La Mesa, Escondido, South County and the Border;

(F) Road and highway grade separations, pedestrian safety, stormwater infrastructure, active transportation, habitat preservation, and climate mitigation projects.

(G) Safety, mobility, amenities, and security enhancements at transit stops.

(2) Twenty-seven (27%) on capital projects related to road and highway traffic flow and commuter safety, including, but not limited to:

(A) Fire evacuation routes on State Route 67 and other roadways in fire prone areas;

(B) Bridge safety repair and retrofits;

(C) Highway maintenance, improvements, and connectivity projects on State Routes 56, 76, 78, 94, 125 and Interstates 5, 8, 15, 805;

(D) HOV lanes and traffic congestion reduction programs throughout the County;

(E) Expanding electric vehicle infrastructure, including electric vehicle charging stations, and acquisition of electric zero emission buses;

(F) Road and highway grade separations, pedestrian safety, stormwater infrastructure, active transportation, habitat preservation, and climate mitigation projects.

(3) Seven percent (7%) for local streets, roads maintenance, and active transportation, half of which will be Local Return Funds for local road projects, including repaving streets, filling potholes, fixing storm drains, and active transportation projects. "Local Return Funds" means funds returned to the cities within San Diego County, based on population, for the purposes specified in this paragraph.

(4) Twelve percent (12%) on transit operations and maintenance for the Metropolitan Transit System and North County Transit District, including, but not limited to:

(A) Keeping fares affordable and/or free for seniors, youth, disabled, veterans;

(B) Frequency and service enhancements on bus routes and rail transit services;

(C) Enhancing transit stop safety and sanitation services.

(5) Two percent (2%) for the repair, rehabilitation and replacement required to maintain reliable, safe, effective, and efficient rail transit services.

(6) No more than two percent (2%) shall be expended on general administrative services including contractual services, salaries, wages, benefits, and overhead necessary to carry out administrative responsibilities.

(b) The purposes set forth in this section shall constitute the specific purposes of the Ordinance, which are specific and legally binding limitations on how the proceeds of the tax can be spent. The proceeds of the tax imposed by this Ordinance shall be used only for such purposes and shall not fund any purpose, program or project other than those set forth herein.

(c) The County shall require the Commission to certify on an annual basis that all expenditures made in the prior fiscal year have been expended consistent with the requirements set forth in this Ordinance. The Commission shall make this certification in a report presented to the San Diego County Board of Supervisors, which shall be made available to the public.

22.520 Taxpayer Oversight Committee

(a) The Taxpayer Oversight Committee shall be established on the effective date of this ordinance, as specified in Elections Code section 9122, to provide an enhanced level of accountability for the expenditures from the San Diego County Improvement Measure for Traffic, Infrastructure, and Safety Fund. The Board of Supervisors shall appoint members to the Taxpayer Oversight Committee no later than 45 days after the effective date of this Ordinance.

(b) The Taxpayer Oversight Committee shall be composed of seven at-large, voting members with the characteristics described below. Members of the committee shall not simultaneously hold any elected office. The intent is to have one member representing each of the specified areas of expertise. If, however, after a good faith effort, qualified individuals have not been identified for one or more of the areas of expertise, then no more than two members from one or more of the remaining areas of expertise may be selected. For each of the areas of expertise listed below, an individual representing one of the region's colleges or universities who possesses a comparable level of academic experience is eligible for selection.

(1) A professional in the field of municipal/public finance and/or budgeting with a minimum of ten years in a relevant and senior decision-making position in the public or private sector.

(2) A licensed architect, civil engineer, or traffic engineer with demonstrated experience of ten years or more in the fields of transportation and/or urban design in government or the private sector.

(3) A professional with demonstrated experience of ten years or more in real estate, land economics, and/or right-of-way acquisition.

(4) A professional with demonstrated experience of ten years or more in the management of large-scale construction projects.

(5) A licensed engineer with appropriate credentials in the field of transportation project design or construction and a minimum of ten years of experience in a relevant and senior decision-making position in the government or private sector.

(6) The chief executive officer or person in a similar senior-level decision-making position, of a major private sector employer who possesses demonstrated experience in leading a large organization.

(7) A professional in biology or environmental science with demonstrated experience of ten years or more with environmental regulations and major project mitigation requirements and/or habitat acquisition and management.

(8) A representative of a labor union whose membership is comprised primarily of workers in the building and construction trades industry in San Diego County.

(9) A representative of the environmental justice community who is a frequent user of the San Diego County transit system.

(10) The Committee shall have two ex-officio members: the Executive Director of the San Diego Association of Governments (SANDAG) and the San Diego County Auditor.

(c) The Committee shall have the following responsibilities:

(1) Conduct an annual fiscal and compliance audit of all San Diego County Improvement Measure for Traffic, Infrastructure, and Safety Fund expenditures using the services of an independent fiscal auditor to verify compliance with the Ordinance. This annual audit will evaluate compliance with the supplemental funding requirement in section 22.518 and any other applicable requirements. The audits will identify each project that was funded in the prior fiscal year and will include the accumulated expenses and revenues for ongoing, multi-year projects.

(2) Prepare an annual report presenting the results of the annual audit process. The report should include an assessment of the consistency of the expenditures of the San Diego County Improvement Measure for Traffic, Infrastructure, and Safety Fund with the Ordinance. The assessment shall include a review of expenditures by project type for each local jurisdiction. The report shall be presented to the San Diego County Board of

Supervisors and the Board of Directors of the San Diego Association of Governments (SANDAG), and shall be made available to the public.

(3) If the Committee determines that any funds in the San Diego County Improvement Measure for Traffic, Infrastructure, and Safety Fund were misused in violation of section 424 of the Penal Code or any other state law, the Committee shall make a referral detailing the misuse to the San Diego County District Attorney's Office, the Attorney General, and any other applicable state or local agency or official.

(d) Term limits

(1) Committee members shall serve a term of four years, except that for the initial appointments to this Committee, three members shall serve a two-year term and four members shall serve a three-year term in order to ensure the terms of the Committee members are sufficiently staggered.

(2) Committee members shall serve no more than eight years unless the member's first term was less than four years, in which case the member may serve an additional two terms after the partial term. In no case, however, shall any member serve more than ten years on the Committee.

(3) If and when vacancies in the membership of the Committee occur, the same selection process as outlined above shall be followed to select a replacement to fill the remainder of the term. At the completion of a term, eligible incumbent members will need to apply for reappointment for another term.

(4) Term limits for Committee members should be staggered to prevent turnover of more than two members at any one time. In the event more than two members need to be replaced during the same recruitment period, the Selection Committee shall determine the length of their replacement first term in order to limit concurrent future turnover.

(e) Up to \$300,000 per year, with adjustments for inflation based on the Consumer Price Index for San Diego County, may be expended for activities related to the Committee.

Section 5. Severability

If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The voters of San Diego County hereby declare they would have passed and adopted this Ordinance and each and all provisions hereof irrespective of the fact that any one or more of said provisions be declared invalid.

Section 6. Liberal Construction

This measure is an exercise of the initiative power of the People of the County of San Diego to implement a special tax to fund the purposes set forth in the Ordinance, and it shall be liberally construed to effectuate these purposes.

Section 7. Amendments

The provisions of this Ordinance may be amended only upon approval by the voters.

Section 8. Conflicting Measures

This measure is intended to be comprehensive. It is the intent of the People of the County of San Diego that, in the event this measure and one or more measures relating to a special tax to fund transportation infrastructure shall appear on the same ballot, the provisions of the other measure or measures shall be deemed in conflict with this measure. In the event that this measure receives a greater number of affirmative votes, the provisions of this measure shall prevail in their entirety, and all provisions of the other measure or measures shall be null and void.

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