

The people of the County of Fresno ordain as follows:

SECTION 1. TITLE.

This Act shall be known, and may be cited, as the “Fresno County Transportation Improvement Act.”

SEC. 2. FINDINGS AND DECLARATIONS.

The people of the County of Fresno hereby find and declare all of the following:

- (a) Fresno County is a great place to live and raise a family, but crumbling streets, unsafe roads, and lack of transportation options threaten our quality of life.
- (b) Aging infrastructure, including the roads connecting our cities and the sidewalks on streets near our homes, schools, and parks, is in serious need of investment. An estimated \$5.4 billion is needed to bring roads to “good” and “safe” condition and reduce deferred maintenance.
- (c) Connected and well-maintained streets and roads, as well as enhanced safety improvements and traffic calming measures, facilitate access by first responders and reduce the time it takes to respond to emergencies.
- (d) More than 100 people are killed and over 300 are severely injured on Fresno County roads each year, with pedestrians and bicyclists facing disproportionate risk. Improving roadway safety and building and maintaining protected pedestrian and bike lanes are urgently needed.
- (e) Repairing, rebuilding, and maintaining the road system will improve travel time, accessibility, traffic safety, and public health, and will also address transportation related costs.
- (f) Since 1986, transportation sales tax proceeds have largely been spent on state freeways and new roads, leaving local roads in disrepair. Pothole-riddled streets lead to increased costs for car maintenance and fuel, with repairs from pothole damage costing each driver up to \$2,000.
- (g) Approximately 80% of public transit users in Fresno County are entirely dependent on public transportation and lack access to a private vehicle. Current public transportation services do not transport people to all the places they need to go and often do not operate at the times people need to travel. Additionally, the rising cost of housing in Fresno County and the lack of services in rural areas often force longer commutes and trips to access doctor’s appointments and grocery stores.
- (h) To keep Fresno County safe, livable, and thriving, we need to invest in projects to reduce traffic, fix crumbling streets and roads, and improve transportation countywide.

(i) The increasing frequency of major rain and flooding events, extreme heat, and forest fires requires investments in resilient infrastructure to decrease property damage and improve public health and safety.

(j) This Act is focused on the essential transportation improvements that will make our existing roads safer and more efficient, improve our transit system, and make life better for Fresno County residents by increasing access to jobs, education, healthcare, groceries, and other basic amenities.

(k) The time is now. Without this measure, we will experience further road deterioration; little to no investment in basic infrastructure like sidewalks, crosswalks, curbs, gutters, bike lanes, and trails; and a reduction in transportation services countywide.

(l) Funding from this Act is guaranteed to go directly to Fresno 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 Fresno County District Attorney and State Attorney General.

(m) Independent audits every year and a Citizens Oversight Committee will ensure transparency and that funds are spent on transportation priorities as the voters intend.

SEC. 3. PURPOSE AND INTENT.

It is the intent of the people of the County of Fresno in enacting this Act to do all of the following:

(a) Fix what matters most by repairing and maintaining existing local streets and roads first.

(b) Keep people and our kids safe by investing in safety improvements, including enhanced lighting, road safety, and safe routes to school.

(c) Get people where they need to go efficiently by improving the accessibility and affordability of public transit systems that connect the public to essential services and amenities.

(d) Improve transportation alternatives by building and maintaining bikeways, pedestrian facilities, and public transit options.

(e) Keep the transportation system safe with repairs, retrofits, and safety upgrades, allowing students, seniors, and people with disabilities to travel safely.

(f) Allow seniors, students, people with disabilities, veterans, and active military personnel to access public transit at no cost.

(g) Create thousands of local quality jobs that pay a living wage and provide healthcare and retirement benefits for workers.

- (h) Build strong, vibrant communities by adding shade, trees, and other features to combat heat, beautify transportation corridors, and ensure no neighborhood is left behind.
- (i) Foster innovation by making smart investments that keep our county competitive and connected — now and in the future.
- (j) Reduce air pollution to protect Fresno County’s environment and quality of life.
- (k) Protect taxpayers with strict accountability measures, including independent audits and citizens’ oversight, to ensure funds are spent as intended by voters.

SEC. 4. FRESNO COUNTY TRANSPORTATION IMPROVEMENT ACT.

Chapter 4.60 is added to Title 4 of the Ordinance Code of Fresno County to read as follows:

Chapter 4.60. Fresno County Transportation Improvement Act

4.60.010. Title.

This chapter shall be known as the Fresno County Transportation Improvement Act.

4.60.020. Definitions.

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

- A. “Act” means the Fresno County Transportation Improvement Act.
- B. “Board of Supervisors” means the Fresno County Board of Supervisors.
- C. “Class I Facilities” means bike paths or shared-use paths that provide a completely separated right-of-way designated for the exclusive use of bicycles and pedestrians, with crossflows by motorists minimized, as defined in subdivision (a) of Section 890.4 of the California Streets and Highways Code.
- D. “Class II Facilities” means bike lanes that provide a restricted right-of-way designated for the exclusive or semi-exclusive use of bicycles, with through travel by motor vehicles or pedestrians prohibited, but with vehicle parking and crossflows by pedestrians and motorists permitted, as defined in subdivision (b) of Section 890.4 of the California Streets and Highways Code.
- E. “Class III Facilities” means bike routes that provide a right-of-way on-street or off-street, designated by signs or permanent markings and shared with pedestrians and motorists, as defined in subdivision (c) of Section 890.4 of the California Streets and Highways Code.

F. “Class IV Facilities” means cycle tracks or separated bikeways that provide a right-of-way designated exclusively for bicycle travel adjacent to a roadway and that are separated from vehicular traffic by physical elements, including, but not limited to, grade separations, flexible posts, inflexible physical barriers, or on-street parking, as defined in subdivision (d) of Section 890.4 of the California Streets and Highways Code.

G. “Committee” means the Citizens Oversight Committee established pursuant to Section 4.60.170.

H. “Complete street” means a transportation facility that is planned, designed, constructed, operated, and maintained to provide comfortable and convenient mobility, and improve accessibility and connectivity to essential community destinations for all users, regardless of whether they are traveling as pedestrians, bicyclists, public transportation riders, or drivers.

I. “Council of Governments” means the Fresno Council of Governments.

J. “County” means the county government of the County of Fresno.

K. “County region” or “District” means the geographic territory of the County of Fresno, including all incorporated and unincorporated areas therein.

L. “Existing neighborhoods” means neighborhoods in existence within the adopted legal boundaries of each jurisdiction with permanent structures and public infrastructure or public utilities as of November 3, 2026.

M. “Fund” means the Fresno County Transportation Improvement Act Fund established by Section 4.60.040.

N. “Operative Date” means July 1, 2027.

4.60.030. Purpose.

This Act is adopted to achieve the following purposes, and directs that the provisions hereof be interpreted 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) of Division 2 of the Revenue and Taxation Code.

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 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code.

C. To adopt a retail transactions and use tax ordinance that imposes a tax and provides a measure 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 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code, minimizes the cost of collecting the transactions and use taxes, and at the same time, minimizes the burden of record keeping upon persons subject to taxation under the provisions of this Act.

E. To raise appropriate revenues to support transportation investments and programs to fix and maintain roads, improve neighborhood infrastructure, enhance public transit and rideshare options, and support active transportation. These programs include the following:

1. The Existing Neighborhood Streets and Roads Repair and Maintenance Program, which is intended to bring the road systems within the incorporated cities and the rural unincorporated areas of the county region, including arterials, collectors, and neighborhood streets, to an average Pavement Condition Index (PCI) of 70, which is within the “Good” category as indicated in the Pavement Management System (PMS) report. Funds under this program go directly to incorporated cities and the County for local street and road repair and maintenance, traffic safety, active transportation, bicycle and pedestrian facilities, and safe routes to school.

2. The Public Transportation Program, which addresses public transit systems and services throughout the county region. The funding under this program will be used to improve bus, microtransit, and mass transit frequencies; paratransit services; transit infrastructure, such as shelters and transfer centers; and point-to-point programs for seniors, children, students, veterans, active military personnel, and mobility-challenged individuals.

3. The Regional Connectivity Program, which facilitates the movement of people and goods, and the efficient delivery of services, by providing matching funds for major projects benefiting multiple jurisdictions within the county region that enhance connectivity along major corridors, strengthen connections within the urban area and between the cities and rural communities, and foster economic growth.

4. The Access and Innovation Program, which provides for planning and projects that enable new technologies, invest in zero-emission infrastructure, and increase access to destinations.

5. The Administration, Performance Measures, Requirements, and Indicators Program, which includes administration and planning activities of the Council of Governments.

F. To require annual audits and oversight by a citizens oversight committee to ensure funds are used exclusively for these purposes.

4.60.040. Fresno County Transportation Improvement Act Fund.

There is hereby established in the treasury of the County a special fund called the Fresno County Transportation Improvement Act Fund, which shall be maintained by the County.

4.60.050. Receipt of Proceeds.

All revenue generated by this Act shall be deposited into the Fresno County Transportation Improvement Act Fund.

4.60.060. Use of Proceeds.

A. Monies in the Fund shall be used to reimburse the County for the costs imposed by the California Department of Tax and Fee Administration to collect and administer the tax imposed by this Act, pursuant to Section 4.60.210.

B. The remaining monies in the Fund shall be appropriated each fiscal year to the Council of Governments solely for the purposes specified in this Act.

4.60.070. Existing Neighborhood Streets and Roads Repair and Maintenance Program.

A. 1. Sixty-five percent of the annual revenue in the Fund shall be allocated for the purpose of repairing, rebuilding, and maintaining the road system in the incorporated cities and the unincorporated areas of the county region to improve travel time and accessibility, traffic safety, and public health, as further provided in subsections B to H, inclusive.

2. a. The Council of Governments shall make separate allocations of funds under this section to each of the incorporated cities within the county region, for expenditures by each city within its own jurisdiction, and to the County, for expenditures in the unincorporated areas of the county region.

b. Funds allocated under this paragraph 2 shall be distributed as follows:

i. Each jurisdiction shall receive a base allocation of four hundred thousand dollars (\$400,000) each year.

ii. Following allocations made under clause i, the balance of funding to be allocated under this section shall be allocated in proportion to each jurisdiction's population based on the most recent population estimates prepared by the California Department of Finance, weighted 80 percent, and in proportion to each jurisdiction's number of maintained public roadway miles as determined by the most recent Pavement Condition Survey, weighted 20 percent. The allocation to the County shall be based on the population and roadway miles in the unincorporated areas of the county region.

3. Each jurisdiction may use funds provided under this section for any program specified in this section.

4. Nothing in this Act prohibits the eligible jurisdictions from issuing bonds or using other financing mechanisms secured by future revenues to accelerate implementation of this section.

5. Jurisdictions may accumulate program funds for up to five years for match purposes or to fund large-scale projects.

6. All streets and roads constructed or improved in whole or in part with revenue from the Fund shall include complete street features, whenever feasible, to create an overall complete street system for neighborhoods. To reduce overall costs under a single contract, jurisdictions that receive funds under this section may also use other funding sources to address the entire roadway infrastructure under one project.

7. Eligible expenditures under this program include all recognized project phases, including planning and environmental analysis; conceptual, preliminary, and design engineering; right-of-way acquisition, support, and relocation; utilities relocation; construction engineering and inspection; vehicles and equipment; direct staff time, including salary and benefits; consultants and construction contractors selected pursuant to local agency selection processes; and labor, materials, and equipment for day labor.

B. Repair, Maintain, and Construct Local Streets and Roads Program.

1. Jurisdictions that receive funds under this section may expend those funds for purposes of the Repair, Maintain, and Construct Local Streets and Roads Program established by this subsection B. Expenditures under this subsection shall prioritize improvements to local streets that connect to existing neighborhood homes, schools, parks, community services, public transportation, and places of employment. Project development, capital, and maintenance costs shall be eligible for expenditures under this subsection.

2. Projects eligible for expenditures under the Repair, Maintain, and Construct Local Streets and Roads Program shall include all of the following:

a. Repaving and reconstruction of existing local streets to prevent deterioration of the roadway system, based on an industry-standard pavement management system designed to inform cost-effective roadway maintenance. Components for routine accommodation of bicycle and pedestrian travel shall be incorporated, as appropriate, as part of construction projects, including sidewalks, bicycle facilities, rehabilitation and curb ramps, and elements to improve resilience, safety, and accessibility.

b. Public sidewalk repair, reconstruction, and construction in existing neighborhoods; construction of new and maintenance of additional pedestrian facility improvements, including pedestrian bridges, retaining walls, and guardrails; maintenance of pedestrian and bicycle safety improvements, including, but not limited to, safe-hit posts, painted safety zones, green bicycle lanes, and crosswalks; and rehabilitation of other bicycle facilities, such as bicycle paths.

c. Programmatic improvements to the transportation system to make it safer for all users and help achieve greenhouse gas (GHG) reduction requirements. Projects eligible for expenditures may include, but are not limited to, all of the following:

i. Traffic calming projects to reduce vehicular speeds and improve safety, including speed bumps/humps; new or improved pedestrian safety measures, such as ladder crosswalks, curb extensions (bulb-outs) on corners, and pedestrian islands in the medians of major thoroughfares; new and upgraded bicycle lanes and paths; traffic striping and channelization; and bicycle and personal mobility device parking facilities. Quick builds, pilot projects, permanent improvements, intersection redesigns, and larger corridor projects are eligible for expenditures. Related landscaping components may be included.

ii. Installation, maintenance, and upgrade of traffic signs and signals, including for pedestrians and bicyclists; and communications systems, including changeable message signs for incident and special-event traffic management.

d. Multimodal street improvements to improve pedestrian, bicycle, transit, and vehicle circulation and connectivity.

e. Pothole repair, crack sealing, slurry sealing, asphalt overlays, resurfacing, slab replacement, permeable pavement, vegetation control, curb and gutter maintenance, stormwater and drainage controls, shoulder grading, guardrail and barrier repair, bridge maintenance, sign and marking upkeep, street sweeping, landscaping and beautification, and snow and ice removal.

f. Streetlights, signals, traffic calming and other safety features; standard traffic lights, flashing signals, green arrows, pedestrian signals, out-of-service signals, guardrails, rumble strips, sign and pavement marking, speed humps, speed tables, raised crosswalks, and horizontal devices, such as roundabouts and bulb-outs; traffic signal timing, traffic operations centers, and Intelligent Transportation System components.

g. Sidewalks, alleys, bikeways, pedestrian safety features, infrastructure compliant with the Americans with Disabilities Act, crosswalks, traffic calming features, including flashing beacons, lighting, and neighborhood slow zones, pedestrian and bicycle overcrossings and undercrossings, pedestrian paths, walkways, bikeways, and protected bicycle facilities.

h. New curb ramps compliant with the Americans with Disabilities Act, reconstruction of existing ramps, and related roadway work to permit ease of movement.

i. Vehicles and equipment may be purchased with funds provided under this Act only when necessary to carry out work associated with projects funded under this Act. Costs for such purchases must be charged proportionally to each funded project based on actual or reasonably estimated use and may not exceed the pro rata share attributable to projects funded under this Act.

j. Litter-abatement activities pursuant to a state matching-funds program.

3. Each jurisdiction may spend no more than 5 percent of its allocation under the Existing Neighborhood Streets and Roads Repair and Maintenance Program on road expansion or capacity-increasing projects per year. Before a jurisdiction can expend funds pursuant to this paragraph, every local street and road within the jurisdiction shall reach a Pavement Condition Index score of 65 or above.

4. Road expansion or capacity-increasing projects shall not be prohibited by paragraph 3 if they involve significant safety or mobility benefits, as supported by traffic studies that demonstrate reductions in fatalities and serious injuries for all road users. Eligible road expansion or capacity increasing projects shall only include the following:

- a. Dedicated public transportation lanes.
- b. Dedicated and protected Class I or Class IV Facilities.
- c. Safety-motivated turn lanes or intersection improvements that protect all road users and that do not impede bicycle or pedestrian facilities.

5. Funds shall not be used for street or roadway construction in new growth areas or new town developments.

a. For purposes of this paragraph 5, “new growth areas” means geographic areas designated for future residential, commercial, industrial, or mixed-use development that, as of the passage date of this Act, were not zoned for urban development, substantially developed with permanent structures and public infrastructure, and included within an adopted municipal or regional growth boundary, service area, or comprehensive plan authorizing such development. Preliminary approvals, conceptual plans, or applications pending approval shall not be considered evidence of existence.

b. For purposes of this paragraph 5, “new town developments” means large-scale, master-planned developments intended to function as self-contained communities, including residential, commercial, public, and transportation infrastructure that were not incorporated, approved, or under active construction as of the passage date of this Act and require the extension of new public streets, roadways, or transportation infrastructure to serve the development. Preliminary approvals, conceptual plans, or applications pending approval shall not be considered evidence of existence.

6. The County shall annually expend a minimum of between 12 percent and 15 percent of its local allocation in identified disadvantaged unincorporated communities, as defined by paragraph (2) of subdivision (a) of Section 65302.10 of the California Government Code. The Council of Governments shall determine the specific minimum percentage by completing a needs assessment of complete streets pursuant to Section 4.60.140. The County may spend any remaining funds set aside for disadvantaged unincorporated communities in other unincorporated areas of the county region once identified needs have been met, the average Pavement Condition Index score for all disadvantaged unincorporated communities reaches 70, and each local road

within all disadvantaged unincorporated communities attains a Pavement Condition Index score of at least 65.

7. Jurisdictions shall prioritize funding for existing neighborhood roads with the lowest Pavement Condition Index score or in project areas in need of improvement in disadvantaged neighborhoods and communities.

C. Active Transportation.

1. Jurisdictions that receive funds under this section may expend those funds to create a comprehensive, connected network of pedestrian and bicycle routes that link homes, workplaces, schools, parks, transit, and other destinations.

2. Funds expended pursuant to this subsection C may be used to redesign existing streets to be complete streets, prioritizing non-car options, increasing the safety and comfort of pedestrians and cyclists, and improving connections to transit.

3. Every street or road constructed or reconstructed in whole or in part with revenue from the Fund pursuant to this subsection shall include sidewalks, paths, walkways, or equivalent facilities, where feasible and according to the adopted Active Transportation Plan in each jurisdiction.

4. Any maintenance to a street or road funded in whole or in part with revenue from the Fund pursuant to this subsection shall, at a minimum, maintain the existing level of pedestrian and bicycle access, facilities, and safety features along and across the street, road, or highway.

5. Where feasible, every expressway, super-arterial, arterial, or collector road constructed in whole or in part with revenue from the Fund pursuant to this subsection shall include accommodations for bicycle travel at minimum by a striped shoulder with a minimum width of four feet. This four-foot shoulder may be provided as a bike lane or a cycle track. If an existing expressway, super-arterial, or collector road is reconstructed and reconstruction includes pavement widening, that project shall be subject to this requirement.

6. All roadways receiving pavement reconstruction without pavement widening, rehabilitation, or an overlay, slurry seal, chip seal, or seal coat funded in whole or in part with revenue from the Fund pursuant to this subsection shall include accommodations for bicycle travel at a minimum by Class I and Class IV Facilities, unless there is insufficient right-of-way or if there are other physical constraints as determined by a licensed engineer. This four-foot shoulder may be provided as a bike lane or a cycle track.

7. On a multi-lane roadway, funds expended pursuant to this subsection may be used for conversion of travel lanes to bicycle facilities, provided the responsible agency has determined that excess roadway capacity exists and that the bicycle facilities are allowable. Owing to the different costs associated with Class I and Class IV Facilities, funding for this requirement must be roughly equivalent based on expenditures. A jurisdiction may meet this requirement through a combination of other state, federal, and local funding sources, aside from revenue from the

Fund. Safe Routes to Schools projects that include Class I or Class IV Facilities may be counted toward satisfying this requirement.

8. Jurisdictions that expend funds under this subsection shall not expend funds on privately owned streets and roads.

9. Jurisdictions that expend funds under this subsection shall certify to the Council of Governments that expenditures of funds under this subsection meet the following criteria:

a. With respect to Class I Facilities:

i. Class I Facilities are not limited to bicycle use and are available for pedestrian use. Canal banks located in existing neighborhoods that cannot be paved may also be considered Class I Facilities for purposes of this Act.

ii. Class I Facilities, including shared-use paths constructed with funds expended under this subsection, are to the greatest extent possible designed in accordance with the bicycle path design criteria set forth in Chapter 1000 (Bicycle Transportation Design) of the California Highway Design Manual.

iii. Within the Fresno–Clovis Metropolitan Area, Class I Facilities constructed with funds expended under this subsection are a minimum of 12 feet in width, where feasible.

iv. Within the Fresno–Clovis Metropolitan Area, Class I Facilities constructed with funds expended under this subsection are designed so that at-grade crossings are limited to one crossing every one-half mile at signalized intersections for new developments, where feasible and provided that such design does not violate property owner rights.

v. Class I Facilities constructed within existing neighborhoods are designed so that mid-block crossings on collectors, arterials, super-arterials, or expressways satisfy one of the following:

I. Each crossing is controlled by at-grade pedestrian waiting mechanisms, including signalized or flashing crossings or other warning devices.

II. Each crossing is controlled with grade-separated crossings when warranted due to pedestrian or bicycle safety risks, where feasible.

vi. Class I bikeways in rural areas that link rural communities and cities are, to the greatest extent possible, constructed in accordance with Chapter 1000 (Bicycle Transportation Design) of the California Highway Design Manual.

b. Class II and Class III bikeways are, to the greatest extent possible, designed and installed in accordance with Chapter 1000 (Bicycle Transportation Design) of the California Highway Design Manual and the California Manual on Uniform Traffic Control Devices.

c. Class IV bikeways, including separated bikeways or cycle tracks, are, to the greatest extent possible, designed and installed in accordance with Caltrans Design Information Bulletin 89.

10. Any new or modified types of facilities shall be eligible for funding under the Existing Neighborhood Streets and Roads Repair and Maintenance Program if such facilities are included in any future revision of the California Highway Design Manual or related Caltrans design guidance.

11. Trails designed strictly for recreational purposes shall be ineligible for expenditures under this Act.

D. Transit-Oriented Development.

1. A jurisdiction that receives funds under this section may expend the funds to support transportation and other costs to enable housing in mixed-use zone districts within existing neighborhoods. The jurisdiction shall ensure the developments are mixed income and include deed-restricted units affordable to lower-income households.

2. For the purpose of this subsection D, lower-income means 80 percent or less of Area Median Income (AMI), including low-income (50 to 80 percent of AMI), very low-income (30 to 50 percent of AMI), and extremely low-income (below 30 percent of AMI).

E. Bicycle and Pedestrian Facilities Maintenance.

Jurisdictions receiving funds under this section may use the funds for maintenance of bicycle and pedestrian facilities, including, but not limited to, landscaping and tree care; pavement, root-damage, and pothole repairs; irrigation system operation and repair; lighting, signage, striping, and surface resurfacing; litter and weed removal; utility costs; and maintenance of adjacent trailheads or parks.

F. Safe Routes to School.

1. A jurisdiction that receives funds under this section may use this funding to support Safe Routes to School (SRTS) projects, including infrastructure, education, outreach, and planning to support safe transportation to and from schools.

2. Each jurisdiction shall coordinate with school districts within its boundaries to identify and ensure the highest-priority SRTS projects are funded each year. Funds shall be used to prioritize SRTS projects identified as highest priority and urgent.

3. Funds may be used to achieve conformance with Section 22352.5 of the California Vehicle Code, lowering the speed limit in school zones to twenty miles per hour by January 1, 2031. When updating signage and other compliance needs in school zones, jurisdictions should seek to make other SRTS improvements where needed and appropriate.

G. The following metrics shall be used to evaluate performance under this section:

1. The average Pavement Condition Index score for each jurisdiction that receives funds under this section, including arterial, collector, and neighborhood streets, shall be maintained at a minimum average level of 70.

2. At least 120 miles of new Class I or Class IV Facilities shall be maintained and constructed by 2057, as identified in the applicable Active Transportation Plan for each jurisdiction. This requirement shall be apportioned as follows:

a. The cities of Fresno and Clovis shall collectively be responsible for at least 84 miles.

b. The County shall be responsible for at least 36 miles.

c. Any Class I or Class IV Facilities constructed by the remaining cities may be credited toward fulfilling the County's obligation under this paragraph 2.

d. Safe Routes to Schools projects that include new Class I or Class IV Facilities may be counted toward satisfaction of this requirement.

e. Up to 20 percent of this requirement may be met through routine maintenance.

3. a. At least 150 Safe Routes to School projects shall be completed by 2057 that improve walkability, safety, and connectivity for students and reduce serious injuries and fatalities. Projects shall include infrastructure, engineering improvements, and traffic-calming strategies to enhance safety and accessibility for walking and bicycling within a one-mile radius of school zones.

b. The requirement imposed by subparagraph a shall be apportioned as follows:

i. The cities of Fresno and Clovis shall collectively be responsible for at least 105 projects.

ii. The remaining cities and the County shall collectively be responsible for at least 45 projects.

c. Jurisdictions may collectively satisfy the requirement imposed by subparagraph a by one or more of the following:

i. By completing five Safe Routes to School projects per year, 70 percent in the cities of Fresno and Clovis and 30 percent in the remaining incorporated cities and the unincorporated areas of the county region.

ii. By completing at least 50 projects every 10 years, 70 percent in the cities of Fresno and Clovis and 30 percent in the remaining cities and the unincorporated areas of the county region.

4. The County and each incorporated city within the county region shall pursue reductions in greenhouse gas emissions consistent with targets established quadrennially by the California Air Resources Board.

H. By July 1, 2029, each jurisdiction within the county region, to be eligible for continued funding under this section, shall complete and adopt an Active Transportation and Safe Routes to Schools Implementation and Performance Analysis to establish a baseline assessment and track progress towards achieving the established metrics of this Act. A jurisdiction may use funds allocated in this section to pay the reasonable costs of developing the analysis. The analysis shall include the following:

1. An Active Transportation Analysis addressing Class I, II, III, and IV Facilities that promote connectivity and complete streets throughout the county region and its urbanized areas. This analysis shall, at a minimum, include all of the following:

a. A regional sidewalk, bikeway, and trail inventory assessing the condition, connectivity, and accessibility of sidewalks and pedestrian and bicycle pathways.

b. Actionable strategies to improve and construct new sidewalks, pathways, and bicycle facilities within existing neighborhoods in compliance with established metrics of this Act in order to facilitate travel to major points of interest or destination centers, including, but not limited to, employment centers, educational facilities, parks and open spaces, and medical services.

c. Adopted Active Transportation Plans or Fresno Regional Active Transportation Plans shall serve as the guiding document for the upgrade, installation, and funding of active transportation facilities, provided that the plans include the requirements identified in subparagraphs a and b.

2. A Safe Routes to School (SRTS) analysis developed in coordination with the school districts within its jurisdictional boundaries. The analysis shall include:

a. The number of serious injuries and fatalities within a one-mile radius of each school during the previous five years and annual reduction targets.

b. The highest-priority SRTS projects to be funded to ensure compliance with this section.

c. Adopted SRTS projects or similar plans shall serve as the guiding document for the upgrade, installation, and funding of SRTS facilities, provided that the plans include requirements identified in subparagraphs a and b of paragraph 1 and are coordinated with school districts within the jurisdiction's boundaries.

3. Each jurisdiction within the county region shall develop Active Transportation and Safe Routes to Schools Implementation and Performance Analysis through a robust public process. The public process shall include, at a minimum, all of the following:

a. The jurisdiction shall notify the public of its intent to initiate an analysis and publicly notice the process through which it will solicit public input.

b. The jurisdiction shall hold at least three publicly noticed meetings to solicit public input. Meetings shall be held at accessible locations outside of regular business hours. Translation of materials and interpretation shall be provided.

c. Upon completion of the public meetings, the jurisdiction shall prepare, publish, and formally adopt an analysis, which shall include a prioritized list of projects to be funded during the ensuing five-year period and an accompanying analysis documenting the manner in which public input was solicited, reviewed, and incorporated into the final recommendations, following a public review period of not less than 30 days.

d. Funded projects shall be included in a public database maintained by the Council of Governments, and progress toward completion shall be reported annually until completion, consistent with subsection J of Section 4.60.110.

4.60.080. Public Transportation Program.

A. Twenty-five percent of the annual revenue in the Fund shall be allocated to support an integrated, rapid, resilient, and cost-effective transit network that coordinates public transportation services, where feasible, to reduce costs of service and avoid service duplication, and prioritize improving public transportation system access and use.

B. The Council of Governments shall allocate funding under this section as follows:

1. Ten percent to Clovis Transit.
2. Seventy percent to Fresno Area Express.
3. Twenty percent to the Fresno County Rural Transit Agency.

C. Funds provided under this section shall be expended for the following purposes:

1. Operations, maintenance, and capital costs for maintaining and improving public transportation services.

2. Expanded hours and increased frequency of transit services; evening and weekend service; non-emergency medical transportation; increased frequency between and among cities and communities; first and last mile connections; emergency planning; service integration; paratransit service; community shuttles; and university and college transit options.

3. Deployment of buses, microtransit, carshare, rideshare, vanpool, and Bus Rapid Transit or light rail services.

4. Public transit supportive infrastructure, including disability access infrastructure; sheltered and weather protective bus stops; lighting at bus stops; trash disposal; enhanced pedestrian and bicycle facilities that improve access to transit stops; optimized traffic signals for smoother traffic flow; and investments in modern vehicles and technology, including real-time tracking and audible announcements for passengers. At main hubs and transit centers, where possible, public transportation operators are encouraged to provide and improve water stations and public restrooms.

D. Each transit agency shall ensure services are available for continued support for paratransit, curb-to-curb, van, taxi, and other transportation services for seniors 62 years old and older, and people with disabilities who are unable to use fixed-route transit services. Funds may be expended for operations support, replacement of accessible vans, and replacement and upgrades of supporting equipment. Each year, each transit agency shall certify to the Council of Governments that revenue provided under this section is first being used for this subsection D.

E. Transportation agencies may use the funds allocated under this section for public transportation projects that are included in a local agency capital improvement program or annual budget, or that are approved by resolution at a public hearing of each local agency identifying the eligible project or list of projects or programs.

F. Funds in this section may be used by the Council of Governments to conduct a Regional Transit Consolidation Study to identify opportunities to coordinate or consolidate transit services in order to achieve a seamless passenger travel system for the public, provided that any study, recommendation, or resulting action ensures the protection of public transit employees, including the preservation of wages, benefits, collective bargaining rights, and employment security. The findings and recommendations of the study shall be considered for implementation by the Council of Governments Policy Board.

G. The following metrics shall be used to evaluate performance under this section:

1. For each transit agency receiving funds under this section, transit accessibility performance shall demonstrate year-over-year improvement. Performance shall be measured using a composite index composed of the following indicators: (1) percentage change in total ridership; (2) percentage of urban routes operating at 15-minute or better headways and, in rural areas, average transit travel time relative to comparable personal vehicle travel times or an equivalent accessibility metric; (3) average travel distance or time required to reach a defined set of key destinations; (4) average number of transfers required on commonly used routes; (5) average transfer wait times; and (6) on-time performance, measured as the percentage of trips operating on schedule from origin to destination. Where feasible, each indicator shall be reported both in aggregate and disaggregated by demographic, geographic, and rider group.

2. For each transit agency receiving funds under this section, the annual percentage increase in transit-supportive infrastructure shall grow every year. Performance shall be

measured by quantifiable increases in the following: (1) the number of bus stops and multimodal access points that meet or exceed applicable local, state, and federal accessibility standards; and (2) the linear miles, area coverage, or facility count of bicycle, sidewalk, and pedestrian infrastructure providing direct access to bus stops, transit hubs, schools, population centers, employment centers, and essential services.

H. By July 1, 2029, each transit agency, to be eligible for continued funding under this section, shall complete and adopt a Public Transit Improvement Plan to establish a baseline assessment and track progress towards improving the metrics described in paragraphs 1 and 2 of subsection G of this section. Funds allocated in this section may be used by an agency to pay the reasonable costs of developing the Plan. The Plan shall include the following:

1. Proposed transit service improvement and expansion plans, including mass transit, micro-transit and on-demand transit services.
2. Programs and services that provide continued support for paratransit, curb-to-curb, van, taxi, and other transportation services for those who are unable to use fixed-route transit services, including seniors 62 years old and older and people with disabilities.
3. Strategies for how Fund revenues will be leveraged with state and federal funding to maximize program and service impact.
4. Strategies for the coordination of services and programs across the transit agencies.

I. Each transit agency shall develop a Public Transit Improvement Plan through a robust public process, which shall include, at a minimum, all of the following:

1. The agency shall notify the public of its intent to initiate a plan and publicly notice the process through which it will solicit public input.
2. The agency shall hold at least three publicly noticed meetings to solicit public input. Meetings shall be held at accessible locations outside of regular business hours. Translation of materials and interpretation shall be provided.
3. Upon completion of the public meetings, the agency shall prepare, publish, and formally adopt a plan, which shall include a prioritized list of projects to be funded during the ensuing five-year period and an accompanying analysis documenting the manner in which public input was solicited, reviewed, and incorporated into the final recommendations, following a public review period of not less than 30 days.
4. Funded projects shall be included in a public database maintained by the Council of Governments, and progress toward completion shall be reported annually until completion, consistent with subsection J of Section 4.60.110.

4.60.090. Regional Connectivity Program.

A. One percent of the annual revenue in the Fund shall be allocated to the Fresno Yosemite International Airport. Funds may be used to support operations, infrastructure, transportation access improvements, and multi-modal connections to and from the airport.

B. Four percent of the annual revenue in the Fund shall be allocated to fund regional street, road, and highway improvement projects with direct local benefits.

1. The Council of Governments shall provide funding on the following schedule:

a. By June 30, 2028, for years 1 to 7 of this Act.

b. By June 30, 2034, for years 8 to 15 of this Act.

c. By June 30, 2041, for years 16 to 24 of this Act.

d. By June 30, 2048, for the remaining years of this Act.

2. Agencies eligible for funding under this subsection B shall include the incorporated cities within the county region, the County, and the California Department of Transportation.

3. Projects funded under this subsection B may include projects on the state highway system, regional transportation projects, and projects on major local arterials that serve more than one city or area of the county region. Funds allocated under this section may be used as matching funds for litter-abatement activities pursuant to a state matching-funds program.

4. Each agency shall request project funding from the Council of Governments, which shall be provided through a cooperative funding agreement. These agreements shall allocate funding for the initial project phases. All funding agreements shall reimburse implementing agencies for funds expended. The agreements shall not provide agencies with advance funding.

5. The Council of Governments shall conduct a public engagement process to identify and prioritize projects in the county region. Selected projects shall achieve one or more of the following: reduced vehicle miles traveled, increased multi-modal travel, increased safety by reducing the number of collisions of all road users, improved air quality, increased access to good local jobs, or other direct local benefits to communities. The Council of Governments may prioritize projects that identify state and federal funding to leverage matching funds. The agencies shall complete this process as follows:

a. The Council of Governments shall notify the Citizens Oversight Committee of its intent to initiate a public process and publicly notice the process through which it will solicit public input.

b. The Council of Governments shall publish project solicitation guidelines for projects that further the goals identified in this paragraph 5 and allow at least 60 days for eligible agencies to submit proposals.

c. Upon receipt of project proposals, the Council of Governments shall publish a list of projects and hold at least three publicly noticed meetings across the county region, with at least one on the east side of the county region, at least one on the west side of the county region, and at least one in the urban metro area, for public input. Meetings shall be held at accessible locations outside of regular business hours, and translation of materials and live interpretation shall be provided.

d. Following the public workshops, the Council of Governments shall prepare and publish a list of projects recommended for funding, together with an analysis documenting how public input was considered and incorporated into the recommendations.

e. Projects will be considered and approved by the Council of Governments Policy Board at least 30 days after the list of projects is publicly posted.

6. The Council of Governments may consider bonding future revenues if project needs and deliverability exceed available cash flow.

C. Agencies that receive funds under this section shall report project progress to the Council of Governments. Any project cost increases not associated with subsequent project phases shall be thoroughly justified by the implementing agency, and a funding agreement amendment shall be approved prior to the expenditure of funds in excess of the approved project budget. Agencies that receive any funds under this section shall furnish, install, and maintain project funding signage recognizing the funding contributed by this Act.

D. All major roads, regional transportation projects, and highways constructed, improved, or reconstructed under this section shall comply with paragraphs 5 and 6 of subsection C of Section 4.60.070.

4.60.100. Access and Innovation Program.

A. Four percent of the annual revenue in the Fund shall be allocated for planning and projects that enable new technologies, invest in zero-emission infrastructure, and increase access to destinations.

B. The Council of Governments shall first allocate funds to Clovis Transit, Fresno Area Express, and the Fresno County Rural Transit Agency to ensure the implementation and maintenance of zero-fare programs for special populations. For purposes of this subsection, “special populations” means people with disabilities, veterans and active-duty military personnel, seniors 62 years of age and older, children, and students.

C. If funds remain after the purposes under subsection B are met, the Council of Governments shall award competitive grants, and shall develop implementation policies and guidelines, for projects in the following categories:

1. Clean Energy Projects, which may include electric-vehicle charging stations, hydrogen fueling facilities, compressed natural gas infrastructure, and similar clean-fuel facilities; a Regional Zero-Emission Vehicle Readiness and Implementation Plan developed by the Council of Governments; local agency Zero-Emission Vehicle Readiness and Implementation Plans; clean-vehicle power support facilities; microgrid or solar electric-vehicle battery-charging infrastructure; autonomous vehicle infrastructure projects; or other projects or programs that further clean transportation goals.

2. Travel Choice Projects, which may include regional transportation hubs and micro-mobility hubs designed to provide and identify a range of connected travel choices; innovations in micro-mobility; increased opportunities for telecommuting; and broadband infrastructure to support telecommuting and educational facility purposes.

3. Future Technology Projects, which may include other new technology applications or improvements in emerging or future transportation technologies.

D. The agencies eligible to apply for funding under subsection C shall include the incorporated cities within the county region, the County, the Council of Governments, Fresno Area Express, the Fresno County Rural Transit Agency, and Clovis Transit. Private-sector entities, nonprofit organizations, or other governmental agencies may also submit applications for funding, provided that such applications are submitted through, and sponsored by, the local government agency of the jurisdiction in which the project is located. The incorporated cities within the county region and the County shall generally serve as the primary applicants for program funds; however, for projects or programs of a regional nature, the Council of Governments may serve as the appropriate applicant. For any competitive grant program for which the Council of Governments seeks to apply for funding, the Council of Governments shall adopt a written policy establishing an independent panel to review and score all applications.

4.60.110. Administration, Performance Measures, Requirements, and Indicators Program.

One percent of the annual revenue in the Fund shall be allocated to the Council of Governments to administer this Act. Activities that may be funded under this section shall include the following:

A. Preparing and adopting an annual work program and budget outlining planned expenditures, oversight activities, and administrative costs, and distributing funds pursuant to this Act.

B. Developing requirements for each funding program established by this Act and undertaking specialized studies needed to implement those programs effectively.

C. Undertaking and completing the reporting requirements and technical assistance pursuant to Section 4.60.140.

D. Establishing and updating priority lists for regional connectivity, in coordination with member jurisdictions and consistent with this Act.

E. Conducting an independent audit to ensure compliance, fiscal integrity, and accountability to the public.

F. Conducting reviews to ensure compliance with and progress towards attainment of performance measures under each program.

G. Carrying out ongoing outreach and public education efforts to keep taxpayers informed about project progress, financial performance, and planned updates.

H. Issuing bonds when appropriate to expedite project delivery, reducing overall project costs by leveraging future revenues for near-term improvements.

I. Providing staff support to advisory committees and furnishing staff- or consultant-based technical assistance to member jurisdictions to ensure consistent, equitable, and effective program implementation. Technical assistance may also include grant preparation and submission.

J. Developing and implementing a searchable public database that allows the public to easily access information on how funds are used and how they align with guiding principles and any implementing guideline requirements.

4.60.120. Local Hiring Preference.

Projects funded by this Act are intended to provide direct and indirect economic benefits to the county region through investments in infrastructure and related construction-associated economic activity, including the creation of well-paying jobs for the county region's businesses and residents. In furtherance of these objectives, the Council of Governments, in coordination with its member agencies, shall develop and implement reasonable local hiring and contracting goals and related strategies to help maximize these economic benefits by July 1, 2029, and shall be updated every five years thereafter.

4.60.130. Design and Implementation Elements.

A. Funds allocated to each jurisdiction shall supplement, not supplant, other sources of revenue.

B. Projects funded in part or in whole with revenues from the Fund shall incorporate design and implementation elements that address heat, increased precipitation and flooding, wildfire management, and improvements to air quality, including through the following:

1. Where feasible, the addition, establishment, and maintenance of landscaping and tree canopy along pedestrian walkways, bicycle facilities, local and major roads, highways, and trails in the public right-of-way; provided, however, that each project shall include an analysis of the elements considered, and if trees or shade canopy elements are not included, the project shall document the reasons for such exclusion.

2. Funding shall be prioritized for projects in neighborhoods and communities with lower tree canopy coverage.

3. Where feasible, the addition of curb, gutter, and stormwater drainage improvements.

4. Vegetation management.

C. Funds may be used for the maintenance of landscaping and tree canopy along pedestrian walkways, bicycle facilities, local and major roads, highways, and trails in the public right-of-way, including, but not limited to, irrigation system operation and repair, pruning, landscape and tree canopy preservation, and litter and weed removal.

D. All streets and roads constructed or improved in whole or in part with revenue from the Fund shall include complete street features, where feasible.

E. Expenditures under this Act for street maintenance and repair are encouraged to include complete street elements that do not require additional pavement width.

F. It is the intent of the people of Fresno County that each jurisdiction that receives funding under this Act adopt and follow “dig once” construction project principles, requiring public and private roadway projects to accommodate the installation of conduit to support community needs, including but not limited to, broadband fiber optics, stormwater systems, and sidewalks.

G. Jurisdictions or agencies shall use best efforts to implement projects consistent with the intent of this Act. In the event a jurisdiction or agency determines that a proposed project or project requirement is not feasible, the jurisdiction or agency shall, following a duly noticed public hearing, formally declare and document the reasons for such infeasibility.

H. Funds made available under this Act may be used, in whole or in part, as matching funds for eligible state and federal programs in order to increase benefits to residents of the county region.

4.60.140. Council of Governments Reporting Requirements and Technical Assistance.

A. By July 1, 2029, the Council of Governments shall complete and adopt the following studies and analyses to establish a baseline assessment and track progress towards achieving metrics described in Sections 4.60.070 and 4.60.080. The Council of Governments shall be eligible to receive reimbursement for reasonable costs incurred in completing the required studies and analyses from the jurisdictions and agencies that receive funding in sections 4.60.070 and 4.60.080. The studies and analyses shall include the following:

1. A countywide Pavement Management System analysis, the results of which shall be furnished to each eligible agency. The Council of Governments shall use the Pavement Management System analysis to evaluate each agency's progress toward achieving metrics described in paragraph 1 of subsection G of Section 4.60.070.

2. A Regional Transit Agency Service Consolidation study in coordination with the existing transit agencies and jurisdictions to assess the feasibility of consolidating services to achieve a seamless passenger system for the public.

3. A needs assessment of complete streets, including determining the Pavement Condition Index of disadvantaged unincorporated communities pursuant to paragraph 6 of subsection B of Section 4.60.070.

B. The Council of Governments shall establish and regularly update protocols and procedures to assist jurisdictions and agencies in the implementation of this Act. Protocols and procedures may include the following:

1. Compliance with Act requirements at the annual, five-year, and ten-year intervals.
2. Technical assistance to eligible jurisdictions and agencies to comply with Act requirements.
3. Standard reporting templates.
4. Guidelines for implementation of the competitive funding program described in subsection C of Section 4.60.100.

4.60.150. Reporting and Review Requirements.

A. Each agency that receives funds under this Act shall complete and submit to the Council of Governments an annual independent audit to verify that program funds were expended in compliance with the requirements of this Act. Any agency found to be out of compliance shall be subject to withholding of program funds until appropriate reimbursements are made and compliance is achieved.

B. On an annual basis, each agency that receives funds under this Act shall complete and submit a performance report to the Council of Governments identifying expended funds and projects that used proceeds from this Act in whole or in part. Any agency that expends funds allocated under Section 4.60.070 on services shall also describe such uses in its annual report. The Council of Governments shall establish any additional reporting requirements necessary to carry out the purposes of this Act.

C. The Council of Governments shall conduct an independent audit of the proceeds generated by this Act, as well as the expenditures from the Fund. An independent auditor's report may be

funded by the revenues from the Fund. This shall include an accounting of revenues received and expenditures made from the Fund and shall be presented annually to the Council of Governments and Board of Supervisors and made available for public review. The audit report shall be posted on the internet website of the Council of Governments.

D. On an annual basis, the Council of Governments shall publish a report identifying projects completed or supported by Fund revenues by eligible agencies.

E. By July 1, 2029, and updated annually thereafter, the Council of Governments shall develop and implement a public database that allows the public to easily access information on how funds are used, completed projects, progress towards projects under construction, and compliance with the requirements of this Act.

F. The Council of Governments shall establish compliance check requirements, fund accumulation and noncompliance requirements, claims and dispute-resolution procedures, monitoring and reporting requirements, including the establishment of deadlines for reports required under this section, and an audit requirement for jurisdictions that receive funds under this Act.

4.60.160. Five Year Plan Updates.

A. Each jurisdiction's Active Transportation and Safe Routes to Schools Implementation and Performance Analysis required by subsection H of Section 4.60.070, and each transit agency's Public Transit Improvement Plan required by subsection H of Section 4.60.080, shall be updated every five years over the life of this Act through a robust public process.

B. The public process required by subsection A shall include, at a minimum, all of the following:

1. The jurisdiction or agency shall notify the public of its intent to initiate an update to the adopted plan or plans and publicly notice the process through which it will solicit public input.

2. The jurisdiction or agency shall hold at least three publicly noticed meetings to solicit public input. Meetings shall be held at accessible locations outside of regular business hours. Translation of materials and live interpretation shall be provided.

3. Upon completion of the public meetings, the jurisdiction or agency shall prepare, publish, and formally adopt an updated plan or analysis, which shall include a prioritized list of projects to be funded during the ensuing five-year period and an accompanying analysis documenting the manner in which public input was solicited, reviewed, and incorporated into the final recommendations, following a public review period of not less than 30 days.

4. Funded projects shall be included in a public database maintained by the Council of Governments, and progress toward completion shall be reported annually until completion, consistent with subsection J of Section 4.60.110.

C. The countywide Pavement Management System analysis prepared by the Council of Governments pursuant to paragraph 1 of subsection a of Section 4.60.140 shall be updated every five years following its initial publication.

4.60.170. Citizens Oversight Committee.

A. The Citizens Oversight Committee shall be formed within six months following the effective date of this Act.

B. The purpose of the Committee is to inform the public and to ensure that expenditures from the proceeds of the tax imposed by this Act are spent in accordance with the Act, and the Committee shall have the following responsibilities:

1. Receiving, reviewing, and recommending action on independent financial and performance audits.
2. Receiving, reviewing, and recommending action on reports, studies, and plans directly related to programs, revenues, or expenditures.
3. Reviewing and commenting on expenditures for consistency with this Act.
4. Annually reviewing sales-tax expenditures and publicizing findings.
5. Presenting recommendations and findings in a formal annual public report.
6. Conducting the comprehensive review of the Act, at a minimum, every ten years pursuant to section 4.60.170.
7. Referring any misuse of revenue to the Fresno County District Attorney, the Attorney General, and any other appropriate agency.

C. The Committee shall consist of 11 members. Each member shall satisfy all of the following:

1. Be a United States citizen who is at least 18 years of age and a resident of Fresno County.
2. Not be a holder of any elected office.
3. Not be an employee of the County, any incorporated city in the county region, the Fresno County Rural Transit Agency, Caltrans, or the Council of Governments.
4. Have no financial interest in any Council of Governments-funded project.

D. The membership of the Committee shall be comprised as follows:

1. Six members shall be at-large public members who satisfy the following geographic requirements:

a. Three members shall reside within the Fresno-Clovis Metropolitan Area.

b. Three members shall reside outside the Fresno-Clovis Metropolitan Area, including one member from the east side of the county region, one from the west side of the county region, and one from an unincorporated area.

c. At least one member shall reside in each of the five Fresno County supervisorial districts.

2. Five members representing the diversity of the county region, providing a balance of viewpoints.

E. Committee members shall be selected by the Council of Governments Policy Board, consisting of the mayors of the incorporated cities in the county region and the Chair of the Fresno County Board of Supervisors or their designee. Whenever vacancies occur, openings shall be publicly noticed at least 60 days prior to the application deadline.

F. Members shall serve four-year terms and may serve consecutive terms. Members shall receive compensation of fifty dollars (\$50) for each meeting attended.

G. Members shall serve no more than eight years, except that a member appointed to an initial term of less than four years may serve up to 10 total years. Vacancies shall be filled using the same selection process for the remainder of the term. Terms shall be staggered to avoid replacing more than two members in any recruitment period.

H. The Committee shall annually select a Chair and Vice Chair from among its members, each serving a one-year term. The Chair shall call meetings, set agendas, and preside over meetings. The Vice Chair shall perform these duties in the Chair's absence.

I. The Committee shall meet at least quarterly and at such additional times as the Committee deems necessary. All meetings shall comply with the Ralph M. Brown Act and shall be conducted in accordance with Robert's Rules of Order. The Committee shall not employ proxy voting.

J. Members of the Committee shall annually file a Statement of Economic Interests in accordance with Chapter 7 of Title 9 of the California Government Code.

K. The Committee may establish subcommittees to carry out specific aspects of its duties. All subcommittees shall consist of an odd number of members.

L. A quorum shall consist of a majority of active Committee members. Actions shall be approved by a simple majority of the quorum present.

M. The Council of Governments shall provide technical and administrative staffing support, subject to Committee approval. Staffing costs and necessary outside services shall be paid from the monies identified in Section 4.60.110. Expert staff may be requested to present information to the Committee as needed.

N. The Committee shall review all reports published by each city and the County detailing planned budgets and financial expenditures of proceeds from the Fund.

O. The Committee shall oversee an annual fiscal and compliance audit using an independent auditor, identifying all directly funded projects and accumulated revenues and expenditures. The Committee shall oversee and publish an annual report presenting audit results to the Council of Governments Policy Board.

4.60.180. Amendments to The Act

A. It is the intent of the people of the County of Fresno that this Act be amended only through a public review process, except as expressly provided in this section and only to the extent the amendment is consistent with the purposes and intent of this Act.

B. 1. The Council of Governments Policy Board shall initiate a comprehensive review of the Act, at a minimum, every ten years and refer the public review process to the Citizens Oversight Committee.

2. The Citizens Oversight Committee shall conduct the comprehensive review and evaluation of the Act.

3. The Citizens Oversight Committee shall oversee the public process, which shall allow a minimum of 90 days to conduct at least three public workshops. At least one public workshop shall be held in the east side of the county region, at least one public workshop shall be held in the west side of the county region, and at least one public workshop shall be held in the urban metro area. Public meetings shall be accessible to the public and held at accessible locations outside of regular business hours. Translation of materials and live interpretation services shall be provided.

4. Following the public process, the Committee shall submit evaluation findings and recommendations to the Council of Governments Policy Board and the public for review and input. The Committee shall allow a minimum of 30 days for public comment.

5. a. The Council of Governments Policy Board shall consider evaluation findings and recommendations at a public hearing and shall adopt proposed amendments to the Act at the next regularly scheduled meeting. The Council of Governments Policy Board shall approve any amendments in accordance with its double-weighted voting system.

b. Each member shall be assigned a weighted voting percentage based on population. Approval of any action shall require satisfaction of both of the following conditions:

i. Jurisdictions representing over 40 percent of the population of the county region must be in favor of an action.

ii. A majority of all members must support the action.

6. The Council of Governments Policy Board shall submit any proposed amendments to the Act to the Board of Supervisors, which may adopt the amendments only if the amendments further the purposes of this Act.

C. The Citizens Oversight Committee may propose amendments to the programs established by this Act under the public review procedures provided in subsection B and shall submit any proposed amendments to the Council of Governments Policy Board and the Board of Supervisors for approval as provided by paragraphs 5 and 6 of subsection B.

D. The people of the County of Fresno declare that the elimination of any program established by this Act does not further the purposes of the Act. Any modification to the allocation of revenues between programs established by this Act shall require approval of the voters.

E. After a request from the Council of Governments Policy Board, the Board of Supervisors may amend the Act outside the comprehensive review process to address a locally declared emergency, an immediate threat to public health and safety, or the need to timely leverage large-scale, one-time state or federal funding opportunities.

F. During the term of this Act, the Board of Supervisors may authorize the transfer of public transportation funding allocated under Section 4.60.080 to a newly created regional transit district, or similar entity, in connection with a merger or consolidation of the existing public transportation agencies identified in Section 4.60.080.

4.60.190. Supplement to Existing Funding For Transportation.

The people of the County of Fresno find and declare that the transportation infrastructure needs of the county region require more resources than what are currently provided. In adopting this Act, the people of the County of Fresno choose to provide additional resources to supplement, and not supplant, local, state, federal, and other funding for transportation infrastructure county-wide.

4.60.200. Regional Transportation Mitigation Fee.

A. Consistent with existing law, the Regional Transportation Mitigation Fee Program established in 2006 as part of Measure C may be used to provide funding for projects funded by this Act, provided that such use is consistent with state law governing impact mitigation fees.

B. The Council of Governments, consistent with nexus requirements, shall have the authority to allocate Regional Transportation Mitigation Fee revenues based upon regional priority needs

within the county region, in a manner consistent with Sections 4.60.070 to 4.60.100, inclusive, and in a manner consistent with state law governing impact mitigation fees.

C. No later than June 30, 2028, all jurisdictions shall extend the Joint Powers Agreement establishing the Regional Transportation Mitigation Fee Program, consistent with Section 7 of that Joint Powers Agreement. Any city or the County that elects not to implement the Regional Transportation Mitigation Fee shall forfeit annually from its allocation under Section 4.60.070 an amount equal to the Regional Transportation Mitigation Fee that would otherwise have been paid for development projects within that jurisdiction during the applicable year. An agency that elects not to implement the Regional Transportation Mitigation Fee shall notify the Council of Governments of that decision and shall file an advisory report with the Council of Governments for each development project indicating the amount of the fee that would have been paid. The Council of Governments shall calculate the total annual Regional Transportation Mitigation Fee obligation for that agency and deduct the appropriate amount from that agency's allocation under Section 4.60.070.

4.60.210. Contract with State.

Prior to the operative date of this chapter, 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 of this chapter, it shall nevertheless so contract and in such a case the operative date of this chapter shall be the first day of the first calendar quarter following the execution of such a contract.

4.60.220. 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 District at the rate of 0.5 percent of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory on and after the operative date of this Act.

4.60.230. Place Of Sale.

For the purposes of this Act, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the California Department of Tax and Fee Administration.

4.60.240. Use Tax Rate.

An excise tax is hereby imposed on the storage, use or other consumption in the District of tangible personal property purchased from any retailer on and after the operative date of this Act for storage, use or other consumption in said territory at the rate of 0.5 percent of the sales price of the property. The sales price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made.

4.60.250. Adoption Of Provisions Of State Law.

Except as otherwise provided in this Act 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 Act as though fully set forth herein.

4.60.260. Limitations On Adoption Of State Law And Collection Of Use Taxes.

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

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

1. 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.
2. 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 Act.
3. In those sections, including, but not limited to, sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to:
 - a. Provide an exemption from this tax with respect to certain sales, storage, use, or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use, or other consumption remain subject to tax by the State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code; or
 - b. Impose this tax with respect to certain sales, storage, use, or other consumption of tangible personal property which would not be subject to tax by the state under the said provision of that code.
4. In Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code.

B. The word “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.

1. “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.

4.60.270. 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 Act.

4.60.280. Exemptions And Exclusions.

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

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

1. Sales of tangible personal property, 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 District that is shipped to a point outside the District, pursuant to the contract of sale, by delivery to such point by the retailer or his agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this paragraph, delivery to a point outside the District 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-District 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 out-of-District 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 Act.

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 Act.

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

C. There are exempted from the use tax imposed by this Act, 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 Act.

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 Act.

5. For the purposes of subparagraphs 3 and 4 of this section, storage, use, or other consumption, or possession of, or exercise of any right or power over, tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

6. Except as provided in subparagraph 7, a retailer engaged in business in the District 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 District or participates within the District 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 District or through any representative, agent, canvasser, solicitor, subsidiary, or person in the District under the authority of the retailer.

7. “A retailer engaged in business in the District” 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 District.

D. Any person subject to use tax under this Act may credit against that tax any transactions tax or reimbursement for transactions tax paid to a district imposing, or retailer liable for a transactions tax pursuant to Part 1.6 of Division 2 of the Revenue and Taxation Code with respect to the sale to the person of the property the storage, use, or other consumption of which is subject to the use tax.

4.60.290. Amendments to California Revenue and Taxation Code.

All amendments subsequent to the effective date of this Act to Part 1 of Division 2 of the Revenue and Taxation Code relating to sales and use taxes and which are not inconsistent with Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, shall automatically become a part of this Act, provided however, that no such amendment shall operate so as to affect the rate of tax imposed by this Act.

4.60.300. 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 Act, 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.

4.60.310. Termination of Transactions and Use Tax.

This chapter shall remain operative for 30 years from the operative date of this Act and shall be repealed by operation of this section on that date, unless a later measure is adopted before that date which deletes or extends the termination date.

SEC. 5. EFFECTIVE DATE.

This Act shall take effect 10 days after the certification by the Board of Supervisors of the election results indicating passage of the measure by a majority of the voters casting votes in the election; however, the Operative Date of the tax imposed by this measure shall be July 1, 2027.

SEC. 6. SEVERABILITY.

If any section, subsection, sentence, clause, phrase or word of this Act 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 Act. The people of the County of Fresno hereby declare they would have passed and adopted this Act and each and all provisions hereof irrespective of the fact that any one or more of said provisions be declared invalid.

SEC. 7. LIBERAL CONSTRUCTION.

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

SEC. 8. AMENDMENTS.

The expenditure plan adopted pursuant to this Act may be amended in accordance with Section 4.60.180. Any other amendments to this Act shall require approval by the voters of the County of Fresno.

SEC. 9. CONFLICTING MEASURES.

This measure is intended to be comprehensive. It is the intent of the people of the County of Fresno 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.