

1 IMPERIAL COUNTY LOCAL TRANSPORTATION AUTHORITY
2 RETAIL TRANSACTIONS AND USE TAX ORDINANCE
3 AND
4 TRANSPORTATION AUTHORITY EXPENDITURE PLAN

3 I. TITLE

4 This ordinance shall be known as the IMPERIAL COUNTY
5 RETAIL TRANSACTIONS AND USE TAX ORDINANCE. This ordinance
6 shall be applicable in the incorporated and unincorporated
7 territory of the County of Imperial, which territory shall
8 be referred to herein as "County".

9 II. EFFECTIVE AND OPERATIVE DATE

10 This Ordinance shall take effect immediately upon its
11 confirmation and approval by a majority of the voters
12 voting within Imperial County in a special election called
13 for that purpose by the Imperial County Board of
14 Supervisors and shall become operative, pursuant to Public
15 Utilities Code Section 180204, on the first day of the
16 first calendar quarter commencing more than 120 days after
17 adoption of the Ordinance.

18 III. PURPOSE

19 This ordinance provides for the imposition of a retail
20 transaction and use tax of one-half of one percent (.5%),
21 the authority to issue limited tax bonds, the
22 administration of the tax proceeds, a County
23 transportation expenditure plan, and the establishment of
24 an appropriation limit, and is enacted pursuant to the
25 provisions of Division 19 of the Public Utilities Code
26 and limited to eligible expenditures for local streets and
27 roads and state highways within Imperial County.

28 IV. IMPOSITION OF RETAIL TRANSACTIONS AND USE TAX

1 In addition to any other taxes authorized by law, there is
2 hereby imposed, in the incorporated and unincorporated
3 territory of the County of Imperial, in accordance with
4 the provisions of Part 1.6 (commencing with Section 7251)
5 of Division 2 of the Revenue and Taxation Code and
6 Division 19 of the Public Utilities Code commencing with
7 Code Section 180000, a retail transactions and use tax
8 (referred to as the "tax") at the rate of one-half of one
9 percent (.5%) for a period of twenty (20) years. The tax
10 shall be in addition to any other taxes authorized by law
11 including any existing or future state or local sales tax
12 or transactions and use tax. If, during this time period,
13 additional state or federal funds become available which
14 would fund the projects contained in the Expenditure Plan,
15 then the tax may be reduced by action of the Authority.

16 v. BONDING AUTHORITY

17 Upon voter approval of the Measure, the Authority
18 shall have the authority to issue bonds payable from
19 the proceeds of the tax to accelerate the construction
20 of needed transportation facility improvements. The
21 Authority, in allocating the annual revenues from the
22 measure, shall meet all debt service requirements
23 prior to allocating funds for other projects.

24 The maximum bonded indebtedness which may be outstanding
25 at any one time shall be an amount equal to the sum of the
26 principal of, and interest on, the bonds, but not to
27 exceed the estimated proceeds of the tax, as determined by
28 the plan. The amount of bonds outstanding at any one time

1 does not include the amount of bonds, refunding bonds, or
2 bond anticipation notes for which funds necessary for the
3 payment thereof have been set aside for that purpose in a
4 trust or escrow account.

5 VI. AMENDMENTS

6 Any amendments to this Ordinance, provided they do not
7 alter the basic principles of this Ordinance, shall be
8 effective upon the majority vote of the Authority without
9 submissions to an election and approval by a majority vote
10 of the electors voting on the proposition.

11 VII. SEVERABILITY

12 If any tax or provision of this Ordinance is for any
13 reason held invalid or unenforceable by a court of
14 competent jurisdiction, that holding shall not affect the
15 validity or enforceability of the remaining taxes or
16 provisions and the Authority declares that it would have
17 passed each part of this Ordinance, irrespective of the
18 validity of any other part.

19 VIII. APPROPRIATIONS LIMIT

20 Pursuant to Article XIII B of the California Constitution,
21 an appropriations limit of \$300,000,000 (Three Hundred
22 Million Dollars), which is anticipated to be the amount
23 generated over the 20 year life of this tax, is
24 established for the Authority. The appropriations limit
25 shall be subject to adjustment as provided by law.

26 IX. IMPLEMENTING ORDINANCES

27 Upon approval of this Measure by the voters, the Authority
28 shall, in addition to the local rules required to be

provided pursuant to this ordinance, adopt implementing ordinances and rules and take such other actions as may be necessary and appropriate to carry out its responsibilities.

X. DEFINITIONS

The following definitions shall apply in this Ordinance:

- A. "Expenditure Plan" means the Imperial County Local Transportation Authority Expenditure Plan (attached and adopted as part of this Ordinance) including any future amendments thereto.
- B. "County" means the County of Imperial.
- C. "Authority" means the Imperial County Local Transportation Authority created pursuant to Division 19 of the Public Utilities Code.
- D. "Local streets and roads eligible expenditures" means all purposes necessary and convenient to the maintenance, operation, and construction of local streets and roads and shall include all purposes allowable under Article XIX, Section 1(a) of the State Constitution.

PASSED AND ADOPTED by the Imperial County Local Transportation Authority on July 31, 1989, by the following votes:

AYES: 8

2nd Reading August 23, 1989

Noes: 0

Ayes 9

Abstains: _____

Absent: 1