

BEFORE THE BOARD OF SUPERVISORS  
OF THE  
COUNTY OF FRESNO, STATE OF CALIFORNIA

IN THE MATTER OF:

CALLING AN ELECTION TO BE CONSOLIDATED WITH THE )  
STATEWIDE PRIMARY ELECTION TO BE HELD ON MARCH 5, 2024 )  
FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF ) RESOLUTION  
FRESNO COUNTY AN INITIATIVE MEASURE CREATING A NEW )  
COUNTYWIDE RETAIL TRANSACTIONS AND USE TAX )

WHEREAS, on September 6, 2023, Proponents submitted to the Fresno County Clerk/Registrar of Voters a citizens initiative petition (“Petition”) signed by not less than 10% of the entire vote cast in the County of Fresno for all candidates for Governor at the last gubernatorial election preceding the publication of the Proponents’ Notice of Intention to Circulate a Petition; and

WHEREAS, the Petition proposes the Ordinance, attached hereto as Exhibit 1, to create a new retail transactions and use tax to be spent for the purposes specified in the Ordinance to benefit the California State University, Fresno (“Ordinance”); and

WHEREAS, on September 25, 2023, pursuant to Elections Code Section 9115, the Fresno County Clerk/Registrar of Voters completed a random sample signature verification of the Petition, finding that the Petition is signed by the requisite number of qualified voters to declare the Petition sufficient; and

WHEREAS, on October 24, 2023, pursuant to Elections Code Section 9115, the Fresno County Clerk/Registrar of Voters certified the results of the examination of the Petition to the Fresno County Board of Supervisors at its regular meeting; and

WHEREAS, pursuant to Elections Code Sections 1405 and 9118, the Fresno County Board of Supervisors shall submit the Ordinance, without alteration, to the voters in the next statewide election; and

1 WHEREAS, a Statewide Primary Election will be held on March 5, 2024; and

2 WHEREAS, pursuant to Elections Code Sections 10400 *et seq.*, the Fresno County  
3 Board of Supervisors seeks consolidation of the countywide election on the measure relating to  
4 the proposed Ordinance with the March 5, 2024 Statewide Primary Election; and

5 WHEREAS, under Elections Code Sections 10400 *et seq.*, the Fresno County Board of  
6 Supervisors has the power and authority to order the consolidation of local elections with the  
7 Statewide General Election; and

8 WHEREAS, the Proponents have requested that the measure be designated “Measure  
9 E”; and

10 WHEREAS, approval of a majority of the electors voting upon the measure is required for  
11 passage of the measure.

12 NOW THEREFORE, be it resolved as follows:

- 13 1. This Board hereby calls, orders, and proclaims a countywide election at which the  
14 measure relating to the proposed Ordinance shall be submitted to the qualified  
15 voters of the County of Fresno pursuant to Elections Code Sections 1405 and  
16 9118.
- 17 2. This Board approves the election for this measure to be consolidated with the  
18 March 5, 2024 Statewide Primary Election pursuant to Elections Code Sections  
19 10400 *et seq.* and acknowledges that the consolidated election will be held and  
20 conducted in the manner prescribed in Elections Code Section 10418.
- 21 3. The Fresno County Clerk/Registrar of Voters shall take any and all necessary  
22 steps for the holding of the consolidated election.
- 23 4. The Fresno County Clerk/Registrar of Voters is designated as the elections  
24 official for the election, and the Fresno County Board of Supervisors hereby  
25 authorizes and directs the Fresno County Clerk/Registrar of Voters to provide all  
26 notices and take all other actions necessary to holding the aforementioned  
27 election, including, but not limited to, providing notices of times within which  
28 arguments for and against are submitted, and printing the full text of the measure in

1 its entirety as indicated in the attached Exhibit 1 in the County of Fresno Voter  
2 Information Guide.

3 5. The measure shall be designated on the ballot by a letter, as provided in  
4 Elections Code Section 13116. Based on the Proponents' request, the Fresno  
5 County Board of Supervisors requests that the Fresno County Clerk/Registrar of  
6 Voters designate the ballot measure as Measure "E".

7 6. The ballot question hereby approved for said election shall read as follows:

8 **California State University, Fresno Facility and Academic Program**

9 **Improvement Initiative Measure.** Shall the measure expanding access in  
10 nursing, agriculture, criminology, science, engineering, other fields;  
11 repairing/upgrading campus facilities; providing safe drinking water; making  
12 campus more accessible for people with disabilities; providing scholarships for  
13 local students, veterans, by establishing a countywide ¼¢ sales tax, except in  
14 jurisdictions where the tax exceeds the combined rate limit, providing  
15 approximately \$63,000,000 annually for 25 years with audits, public spending  
16 disclosure, be adopted?

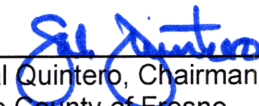
17 7. Arguments in favor of and in opposition to the ballot measure and rebuttal arguments  
18 shall be permitted. The County of Fresno hereby adopts the provisions of Elections  
19 Code Section 9161 through 9167 regarding the acceptance of arguments relating to  
20 ballot measures. The Fresno County Clerk/Registrar of Voters shall fix the dates for  
21 submittal of arguments and rebuttals as provided for in the Elections Code.

22 8. The Fresno County Counsel is directed to prepare an impartial analysis of the ballot  
23 measure, pursuant to Elections Code Section 9160(b).


24 9. This Resolution shall take effect on and after its adoption.  
25  
26  
27  
28

1 THE FOREGOING, was passed and adopted by the following vote of the Board of  
2 Supervisors of the County of Fresno this 24th day of October, 2023, to wit:

3 AYES: Supervisors Brandau, Magsig, Mendes, Pacheco, Quintero  
4 NOES: None  
5 ABSENT: None  
6 ABSTAINED: None

7   
8 \_\_\_\_\_  
9 Sal Quintero, Chairman of the Board of Supervisors of  
10 the County of Fresno

9 **ATTEST:**  
10 Bernice E. Seidel  
11 Clerk of the Board of Supervisors  
12 County of Fresno, State of California

12 By:   
13 \_\_\_\_\_  
14 Deputy

14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 **Exhibit 1**  
2 **Fresno County Transactions and Use Tax:**  
3 ***Fresno State Improvement Zone Measure***  
4

5 **Full Text of Measure**

6 **AN ORDINANCE OF THE COUNTY OF FRESNO ADDING A NEW CHAPTER 4.60 TO TITLE 4 (REVENUE AND FINANCE) OF THE**  
7 **FRESNO COUNTY ORDINANCE CODE IMPOSING A ONE-QUARTER PERCENT (0.25%) TRANSACTIONS AND USE TAX: FRESNO**  
8 **STATE IMPROVEMENT ZONE ORDINANCE TO BE ADMINISTERED BY THE CALIFORNIA DEPARTMENT OF TAX AND FEE**  
9 **ADMINISTRATION**

10 **THE VOTERS OF THE COUNTY OF FRESNO ORDAIN AS FOLLOWS:**

11 **SECTION 1.** This ordinance relates to the levying and collecting of the County transactions and use tax, and shall be  
12 posted in accordance with the provisions of the Fresno County Ordinance Code and shall take effect immediately following  
13 voter approval.

14 **SECTION 2.** Chapter 4.60 Transaction and Use Tax Ordinance: Fresno State Improvement Zone Ordinance is hereby added  
15 to Title 4 (Revenue and Finance) of the Fresno County Ordinance Code to read as follows:

16 **CHAPTER 4.60 – TRANSACTIONS AND USE TAX: FRESNO STATE IMPROVEMENT ZONE ORDINANCE**

- 17 4.60.010. – Title.  
18 4.60.020. – Operative Date.  
19 4.60.030. – Purpose.  
20 4.60.040. – Contract with State.  
21 4.60.050. – Transactions Tax Rate.  
22 4.60.060. – Place of Sale.  
23 4.60.070. – Use Tax Rate.  
24 4.60.080. – Adoption of Provisions of State Law.  
25 4.60.090. – Limitations on Adoption of State Law and Collection of Use Taxes.  
26 4.60.100. – Permit Not Required.  
27 4.60.110. – Exemptions and Exclusions.  
28 4.60.120. – Amendments.  
4.60.130. – Enjoining Collection Forbidden.  
4.60.140. – Severability.  
4.60.150. – Effective Date.  
4.60.160. – Use of Sales Tax Proceeds.  
4.60.170. – Accountability – Citizens’ Oversight Committee.  
4.60.180. – Termination Date.

**4.60.010. – Title.**

This chapter shall be known as the Fresno County Transactions and Use Tax: Fresno State Improvement Zone Ordinance.  
The County of Fresno hereinafter shall be called “County.”

**4.60.020. – Operative Date.**

“Operative Date” means the first day of the first calendar quarter commencing more than 110 days after the adoption of  
this chapter, the date of such adoption being as set forth below.

**4.60.030. – Purpose.**

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

1 (1) To impose a retail transactions and use tax in accordance with the provisions of Revenue and Taxation  
2 Code, Division 2, Part 1.6 (commencing with Section 7251) and section 7285.5 of Part 1.7 of Division 2, which  
3 authorizes the County to adopt this ordinance which will be operative if a majority of the electors voting on the  
4 measure vote to approve the imposition of tax at an election called for that purpose, or if the Fresno County Board of  
5 Supervisors adopts this ordinance prior to an election pursuant to California Elections Code section 9118, subdivision  
6 (a).

7 (2) To adopt a retail transactions and use tax ordinance that incorporates provisions identical to those of the  
8 Sales and Use Tax Law of the State of California insofar as those provisions of this ordinance are not inconsistent with  
9 the requirements and limitations contained in Revenue and Taxation Code, Division 2, Part 1.6.

10 (3) To adopt a retail transactions and use tax ordinance that imposes a tax and provides a measure therefor  
11 that can be administered and collected by the California Department of Tax and Fee Administration in a manner that  
12 adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and  
13 administrative procedures followed by the California Department of Tax and Fee Administration in administering and  
14 collecting the California State Sales and Use Taxes.

15 (4) To adopt a retail transactions and use tax ordinance that can be administered in a manner that will be, to  
16 the greatest degree possible, consistent with the provisions of Revenue and Taxation Code, Division 2, Part 1.6,  
17 minimize the cost of collecting the transactions and use taxes, and at the same time, minimize the burden of record  
18 keeping upon persons subject to taxation under the provisions of this chapter.

19 **4.60.040. – Contract with State.**

20 Prior to the Operative Date, the County shall contract with the California Department of Tax and Fee Administration to  
21 perform all functions incident to the administration and operation of this transactions and use tax ordinance; provided,  
22 that if the County shall not have contracted with the California Department of Tax and Fee Administration prior to the  
23 Operative Date, it shall nevertheless so contract and in such a case the Operative Date shall be the first day of the first  
24 calendar quarter following execution of such a contract.

25 **4.60.050. – Transactions Tax Rate.**

26 For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the County  
27 at the rate of 0.25% of the gross receipts, or 0.25 cents for an item that costs one dollar, of any retailer from the sale of all  
28 tangible personal property sold at retail in said territory on and after the Operative Date of this chapter. Such tax shall be in  
addition to any other transactions tax imposed by this Code or applicable state law.

The transactions and use tax would not be collected in certain jurisdictions of the county when collection of the tax in  
those areas would cause the combined rate of transactions and use taxes to exceed the maximum rate limit set by the State  
of California in Section 7251.1 of the Revenue and Taxation Code.

When contracting with the California Department of Tax and Fee Administration (CDTFA) to administer the tax imposed  
by this ordinance, it shall be the County's intent, and any agreement shall ensure, that the combined rate limit specified in  
Revenue and Taxation Code section 7251.1 is not exceeded in any district within the County that has imposed a transactions  
and use tax pursuant to Part 1.6 of Division 2 of the Revenue and Taxation Code in effect on or before the effective date of  
this ordinance. The agreement shall include that appropriate steps are taken by CDTFA to ensure that the County tax  
imposed by this ordinance, when aggregated with all other transactions and use taxes imposed pursuant to Part 1.6 of  
Division 2 of the Revenue and Taxation Code within that district, will 1) not cause the rate of the transactions and use tax  
within the district to exceed the combined rate limit; 2) not cause any person subject to the tax imposed by this ordinance  
to pay more than the legally permissible combined rate; and 3) have no impact on the revenue received by each district  
within the County as the result of any transactions and use tax imposed by the district on or prior to the effective date of  
this ordinance.

**4.60.060. – Place of Sale.**

For purposes of this ordinance, all retail sales are consummated at the place of business of the retailer unless the  
tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier  
for delivery to an out-of-state destination. The gross receipts of such sales shall include delivery charges, when such charges

1 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  
2 permanent place of business in the state or has more than one place of business, the place or places at which the retail sales  
3 are consummated shall be determined under rules and regulations to be prescribed and adopted by the California  
4 Department Tax and Fee Administration.

5 **4.60.070. – Use Tax Rate.**

6 An excise tax is hereby imposed on the storage, use or other consumption in the County of tangible personal property  
7 purchased from any retailer on and after the Operative Date of this chapter for storage, use or other consumption in said  
8 territory at the rate of 0.25% of the sales price of the property. The sales price shall include delivery charges when such  
9 charges are subject to state sales or use tax regardless of the place to which delivery is made. Such tax shall be in addition to  
10 any other transactions tax imposed by this Code or applicable state law.

11 **4.60.080. – Adoption of Provisions of State Law.**

12 Except as otherwise provided in this chapter and except insofar as they are inconsistent with the provisions of Revenue  
13 and Taxation Code, Division 2, Part 1.6, all of the provisions of Revenue and Taxation Code, Division 2, Part 1 (commencing  
14 with Section 6001) are adopted and made a part of this chapter as though fully set forth herein.

15 **4.60.090. – Limitations on Adoption of State Law and Collection of Use Taxes.**

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

- 17 (1) Wherever the State of California is named or referred to as the taxing agency, the name of this County shall  
18 be substituted therefor. However, the substitution shall not be made when:
- 19 a. The word "State" is used as a part of the title of the State Controller, State Treasurer, State Board of Control,  
20 California Department of Tax and Fee Administration, State Treasury, or the Constitution of the State of  
21 California;
  - 22 b. The result of that substitution would require action to be taken by or against this County or any agency, officer,  
23 or employee thereof rather than by or against the California Department of Tax and Fee Administration, in  
24 performing the functions incident to the administration or operation of this chapter.
  - 25 c. In those sections, including, but not necessarily limited to sections referring to the exterior boundaries of the  
26 State of California, where the result of the substitution would be to:
    - 27 i. Provide an exemption from this tax with respect to certain sales, storage, use or other  
28 consumption of tangible personal property which would not otherwise be exempt from this tax while such  
sales, storage, use or other consumption remain subject to tax by the state under the provisions of Part 1 of  
Division 2 of the Revenue and Taxation Code, or;
    - ii. Impose this tax with respect to certain sales, storage or other consumption of tangible personal  
property which would not be subject to tax by the state under the said provision of that code.
  - 29 d. In Revenue and Taxation Code §§ 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or  
30 6828.
- 31 (2) The word "County" shall be substituted for the word "State" in the phrase "retailer engaged in business in  
32 this State" in Revenue and Taxation Code Section 6203 and in the definition of that phrase in Section 6203.

33 **4.60.100. – Permit Not Required.**

34 If a seller's permit has been issued to a retailer under Revenue and Taxation Code Section 6067, an additional transactor's  
35 permit shall not be required by this chapter.

36 **4.60.110. – Exemptions and Exclusions.**

- 37 (1) There shall be excluded from the measure of the transactions tax and the use tax the amount of any sales  
38 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.
- (2) There are exempted from the computation of the amount of transactions tax the gross receipts from:

1 a. Sales of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be  
2 used or consumed principally outside the county in which the sale is made and directly and exclusively in the use  
3 of such aircraft as common carriers of persons or property under the authority of the laws of this State, the  
4 United States, or any foreign government.

5 b. Sales of property to be used outside the County, which is shipped to a point outside the County, pursuant to  
6 the contract of sale, by delivery to such point by the retailer or his agent, or by delivery by the retailer to a  
7 carrier for shipment to a consignee at such point. For the purposes of this paragraph, delivery to a point outside  
8 the County shall be satisfied:

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

15 ii. With respect to commercial vehicles, by registration to a place of business out-of-County and  
16 declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that  
17 address.

18 c. The sale of tangible personal property if the seller is obligated to furnish the property for a fixed price pursuant  
19 to a contract entered into prior to the Operative Date of this article.

20 d. A lease of tangible personal property which is a continuing sale of such property, for any period of time for  
21 which the lessor is obligated to lease the property for an amount fixed by the lease prior to the Operative Date  
22 of this article.

23 e. For the purposes of subparagraphs (c) and (d) of this section, the sale or lease of tangible personal property shall  
24 be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the  
25 contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not  
26 such right is exercised.

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

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

b. 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  
Revenue and Taxation Code Sections 6366 and 6366.1.

c. 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 chapter.

d. 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 chapter.

e. For the purposes of subparagraphs (c) and (d) 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.

f. Except as provided in subparagraph (g), a retailer engaged in business in the County shall not be required to  
collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the



1 property into the County or participates within the County in making the sale of the property, including, but not  
2 limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in  
3 the County or through any representative, agent, canvasser, solicitor, subsidiary, or person in the County under  
4 the authority of the retailer.

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

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

14 **4.60.120. – Amendments.**

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

19 **4.60.130. – Enjoining Collection Forbidden.**

20 No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any  
21 court against the State or the County, or against any officer of the State or the County, to prevent or enjoin the collection  
22 under this chapter, or Revenue and Taxation Code, Division 2, Part 1.6, of any tax or any amount of tax required to be  
23 collected.

24 **4.60.140. – Severability.**

25 If any provision of this article or the application thereof to any person or circumstance is held invalid, the remainder of  
26 the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

27 **4.60.150. – Effective Date.**

28 This ordinance relates to the levying and collecting of the County transactions and use tax, and shall be posted in  
accordance with the provisions of the Fresno County Ordinance Code and shall take effect immediately following voter  
approval.

**4.60.160. – Use of Tax Proceeds.**

- (1) The Fresno State Improvement Zone Ordinance will provide a secure, local revenue stream to the County that shall be used entirely for expanding access in nursing, agriculture, criminology, science, engineering and other fields; repairing and upgrading deteriorating classrooms and laboratories, and fire, life safety and security systems; providing safe drinking water; removing asbestos, lead paint and mold, providing scholarships for deserving local students and veterans; and other uses necessary for Fresno State to help our students and community reach their full potential. All proceeds of the tax levied and imposed hereunder shall be accounted for and paid into a Fresno State Improvement Zone trust fund or account administered by the Citizens' Oversight Committee and designated for use by Fresno State, with the approval of the Citizens' Oversight Committee, for such specified purposes.
- (2) The Fresno State Improvement Zone shall be bounded by a two-mile radius around the campus's physical boundaries and similar boundaries around any additional locations within Fresno County that may be owned or leased by California State University during the time this ordinance is effective. Projects funded by this ordinance that are within the Fresno State Improvement Zone but not on Fresno State property must be in furtherance of any required off-site mitigation.
- (3) Except as otherwise provided in this ordinance, proceeds of the tax levied and imposed hereunder shall be used for the design, construction, renovation or modernization of facilities owned or operated by the California State University ("CSU") Board of Trustees, and the construction, renovation or modernization of infrastructure,

1 improvements and facilities within the Fresno State Improvement Zone. This shall include the furnishing and  
2 equipping of University facilities and acquisition or lease of real property for use by the University.

- 3 (4) Proceeds of the tax levied and imposed hereunder will be expended to modernize, replace, renovate, construct,  
4 equip, furnish, and otherwise improve facilities within and around the campus of California State University, Fresno  
5 ("Fresno State"). The proposed projects will include all related and incidental costs, including costs of architectural  
6 and engineering design, and other professional services, site preparation, utilities, landscaping, and other project  
7 related costs include plan check and permitting costs, and construction management. Such tax revenues may also be  
8 expended to acquire real property for future facilities and to acquire and install furniture, fixtures, and equipment  
9 therein.
- 10 (5) It is the intent of the voters that there shall be created two endowments of approximately \$50 million each. One  
11 endowment shall be used for funding scholarships for local, low-income students including veterans enrolled in and  
12 attending Fresno State. The other endowment shall be used for funding deferred maintenance and other campus  
13 program support identified herein. It is the further intent of the voters that the corpus to establish these  
14 endowments be preserved and not spent during the 25-year pendency of the measure, and that the interest accrued  
15 in the respective endowments shall be transferred to Fresno State annually for funding the two uses prescribed  
16 herein, estimated to be between \$5 million and \$10 million a year. Upon the sunseting of this ordinance, and unless  
17 renewed by a subsequent measure, any remaining endowment funds shall be provided to Fresno State for use in  
18 furtherance of the purposes of this ordinance.
- 19 (6) On an annual basis, up to 1% of the proceeds of the tax deposited in the Fund shall be appropriated to the County for  
20 the costs of administering the provisions of this Chapter, including County staffing or staffing retained by the Citizens'  
21 Oversight Committee and other related administrative costs.
- 22 (7) Projects approved under this ordinance are expected to be constructed in accordance with CSU policies and  
23 procedures for Major Capital Outlay projects, which policies allow for various construction delivery methods  
24 including design, bid, build, design/build, and CM Risk. Each delivery method has specific CSU procurement  
25 requirements to ensure a fair and equitable, transparent and competitive process. Projects under this ordinance shall  
26 comply, as necessary, with all applicable building standards including the Americans with Disabilities Act (ADA).

27 **4.60.170. – Accountability – Citizens' Oversight Committee.**

- 28 (1) Purpose. The purpose of the Citizens' Oversight Committee is to ensure the revenue raised through the ordinance is  
used for the purposes specified herein, and allow citizen participation, input from Fresno State and California State  
University, open discussion, and accountability regarding the use of the revenue generated under the ordinance.
- (2) Establishment. A Citizens' Oversight Committee ("Committee") is hereby established to oversee revenues received  
by the County from the transactions and use taxes imposed pursuant to this ordinance, to ensure that tax revenues  
are used by the County and California State University in a manner consistent with the voter approved measure  
adopting this ordinance, and to provide transparency to the public regarding the use of such tax revenues.
- (3) Appointment and Composition of Committee Members.
- a. The Citizens' Oversight Committee shall consist of seven (7) members who shall be appointed as follows:
- i. The Fresno County Board of Supervisors: Five (5) appointments.
- ii. California State University, Office of the Chancellor (or designee thereof): One (1) appointment.
- iii. Fresno State, Office of the University President (or designee thereof): One (1) appointment.
- b. Upon their appointment and during their incumbency, members of the Committee shall be and remain  
residents of the County. The Committee members shall not be current County employees, officials, contractors  
or vendors of the County. This Ordinance does not preclude past employees, officials or vendors of the County  
from serving on the Committee.
- c. Candidates for Committee membership shall be solicited through an open application process that is  
promoted through a broad-based recruitment process. Any resident of the County of voting age is eligible to  
apply for Committee membership, subject to the appointment categories specified herein. All applications will  
be reviewed by the Board of Supervisors, who will collectively have the authority to make all final decisions on  
committee membership.

1 (4) Terms of Service; Vacancies.

- 2 a. Members of the Committee shall be appointed for terms of five (5) years. No committee member shall  
3 serve more than three (3) consecutive terms.
- 4 b. Committee members whose terms expire shall continue to serve until their successor is appointed and  
5 qualified. If a vacancy occurs other than by expiration of a term, it shall be filled by appointment for the  
6 unexpired portion of the term.
- 7 c. Should a member of the Committee fail to attend two (2) consecutive regular meetings, unless excused for  
8 cause by the chairperson, that member's service shall be deemed vacant and the member's term ended. The  
9 Committee secretary shall immediately notify the Board of Supervisors of such termination.
- 10 d. Committee members appointed by the Board of Supervisors may be removed for good cause established,  
11 and thereafter by a majority vote of the Board of Supervisors. Committee members appointed by the California  
12 State University, Office of the Chancellor and Fresno State, Office of the University President may be removed  
13 for good cause established by their appointing authority.
- 14 e. All Committee members' terms will end when the Fresno State Improvement Zone Ordinance terminates  
15 pursuant to 4.60.180.

16 (5) Meetings; Officers; Rules of Procedure; Quorum.

- 17 a. The Committee may adopt rules and regulations to govern proceedings and shall set a time for regular  
18 meetings which shall be held at least quarterly.
- 19 b. The Committee shall elect a chairperson, vice-chairperson and secretary. Their respective duties shall be as  
20 are usually carried out by such officers. In the chairperson, vice-chairperson or secretary's absence or disability,  
21 the Committee may designate a chairperson, vice-chairperson or secretary *pro tempore*. Officers shall hold  
22 office for one year and until their successors are elected.
- 23 c. A majority of the committee shall constitute a quorum for the transaction of business.
- 24 d. Committee meetings are subject to all open-meeting laws, and must be noticed and open to the public.  
25 Committee minutes and reports are a matter of public record and must be made available to the public in the  
26 manner provided by law.
- 27 e. Orientation and training is mandatory for all new committee members. Each committee member shall  
28 attend such orientation and training prior to their first regular committee meeting.
- f. Members of and staff to the Citizens' Oversight Committee shall comply with Government Code section  
1090 (governing conflicts of interest in contracting), the Political Reform Act (Government Code sections 81000-  
91014), and common law conflicts of interest doctrines.

(6) Powers and Duties.

- a. The Citizens' Oversight Committee by majority vote shall have the power to direct the use of the revenues  
collected pursuant to this ordinance. The Citizens' Oversight Committee shall provide an audit report on the use  
of that revenue to the Board of Supervisors at least annually, no later than ninety (90) days following the  
conclusion of each fiscal year. The Committee shall confine its oversight specifically to revenues generated  
under this ordinance.
- b. The County Administrative Officer or his or her designee shall provide any reasonable administrative or  
technical assistance required by the Committee to fulfill its responsibilities or publicize its findings.
- c. The Citizens' Oversight Committee is empowered to retain staff and set the compensation amounts of any  
staff retained, which amounts shall be paid pursuant to (8)(b) herein.
- d. The Citizens' Oversight Committee is empowered to recommend reasonable requirements for bidders to  
hire and employ locally-based workers for projects approved under this ordinance.

1 (7) Compensation

- 2 a. Members of the Citizens' Oversight Committee, at their discretion, and unless precluded by law, shall be entitled  
3 to receive a per diem or monthly stipend in an amount set by majority vote of the Committee at a publicly  
4 noticed meeting. In no case may the total per diem or stipend exceed the established compensation of the  
5 Fresno County Senior Board Member Assistant to the Board of Supervisors, or an equivalent position within  
6 County employment.

7 (8) Funding.

- 8 a. The County shall establish a Fresno State Improvement Zone account into which funds raised from the measure  
9 are placed.  
10 b. The Citizens' Oversight Committee shall authorize all expenditures, payments, repayments, and pay all costs,  
11 including administrative costs, in furtherance of the provisions of this Chapter from the Fresno State  
12 Improvement Zone account.  
13 c. The Citizens' Oversight Committee shall allocate and transfer to Fresno State funding for an entire project cost  
14 (design and construction and FF&E) provided such funds are available for the proposed project(s) consistent  
15 with the purposes set forth herein, and the Committee determines by majority vote that such funding is the best  
16 course of action for the project to accomplish the purposes of this ordinance. Fresno State campus personnel,  
17 at their discretion, may request project funding be allocated in phases, where appropriate, to correspond with  
18 various stages of a planned project. Upon agreement with the Citizens Oversight Committee, funds allocated  
19 and transferred for a specific project that remain unused as of the completion of the project shall be retained by  
20 Fresno State and shall be used for any purpose consistent with the purposes of this ordinance. In any year in  
21 which funds are allocated pursuant to this ordinance, Fresno State shall prepare and submit an annual report  
22 to the Citizens' Oversight Committee reporting on Fresno State's use of the funds allocated, including how said  
23 funds were expended, and whether Fresno State has met cost estimates presented to the Citizens' Oversight  
24 Committee.  
25 d. Once project funding is approved by the Citizens' Oversight Committee and allocated to the Fresno State  
26 campus, campus personnel will implement the project(s) according to California State University policy and  
27 Education Code 66606 for any projects built on CSU-owned land.  
28

16 **4.60.180. – Termination Date.**

17 The authority to levy the tax imposed by this chapter shall expire on the twenty-fifth (25) anniversary of the Operative  
18 Date. Nothing contained in this ordinance shall prevent the reenactment of the same or similar ordinance under the laws  
19 then existing at the time of reenactment.

20 **SECTION 3.** If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be  
21 unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The voters  
22 hereby declare that they would have passed this ordinance and every section, subsection, sentence, clause or phrase thereof,  
23 irrespective of the fact any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.  
24  
25  
26  
27  
28