



# TOWN OF APPLE VALLEY

## TOWN COUNCIL STAFF REPORT

**To:** Honorable Mayor and Town Council **Date:** January 26, 2016

**From:** Brad Miller, Town Engineer **Item No:** 6  
Engineering Department

**Subject:** MAINTENANCE OF EFFORT BASE YEAR LEVEL

**T.M. Approval:** \_\_\_\_\_ **Budgeted Item:**  Yes  No  N/A

### RECOMMENDED ACTION:

That the Town Council adopt Resolution No. 2016-02, which sets the Maintenance of Effort Base Year Level for Fiscal Year 2008/2009 at \$0.

### SUMMARY:

Measure I requires that each jurisdiction, receiving Measure I funding, establish the base level of maintenance effort, utilizing discretionary funds, for Fiscal Year 2008/2009. This level of discretionary funding is used to monitor's the Town's usage of Measure I.

### BACKGROUND:

Maintenance of Effort (MOE) is the requirement that Measure I funding will supplement and not replace the existing discretionary funding that can be use for street and highway purposes. In relation to the MOE, the "discretionary funding" for Apple Valley would be the General Fund, which can be used for a variety of purposes, Including the maintenance of streets. There is a legislative requirement in California Public Utilities Code Section 190300, an excerpt of which states that: "The government agencies shall maintain their existing commitment of local funds for transportation purposes pursuant to an ordinance adopted by the commission to enforce this section." This code section references taxes such as Measure I in San Bernardino County. The Measure I Ordinance 04-01, that was approved by voters for the 2010-2040 Measure I, has a section dealing with the MOE. SANBAG is tasked with determining for each city and the County a base year MOE of discretionary fund expenses for street purposes. Each city and the County are required to adopt a resolution setting the Fiscal Year 2008/2009 base year minimum level of discretionary spending for street and highway purposes. SANBAG staff reviewed financial data submitted by the Town's financial division to determine the Town's base year MOE level of expenses. For the Town of Apple Valley, SANBAG staff determined that the base year is \$0.

**FISCAL IMPACT:**

None.

**RESOLUTION NO. 2016-02**

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, STATE OF CALIFORNIA, ADOPTING THE MEASURE I 2010-2040 MAINTENANCE OF EFFORT BASE YEAR LEVEL**

**WHEREAS**, San Bernardino County voters approved passage of Measure I in November 2004, authorizing the San Bernardino County Transportation Authority (Authority) to impose a one-half of one percent retail transactions and use tax applicable in the incorporated and unincorporated territory of the County of San Bernardino; and

**WHEREAS**, revenue from the tax can only be used for transportation improvement and traffic management programs authorized in the Expenditure Plans set forth in Ordinance No. 04-01 of the Authority; and

**WHEREAS**, the Local Streets Program is a Measure I program that provides funds through a pass-through mechanism directly to local jurisdictions for expenditure on street and road construction, repair, maintenance and other eligible local transportation priorities; and

**WHEREAS**, in accordance with Ordinance No. 04-01 of the San Bernardino County Transportation Authority and Authority Measure I 2010-2040 Strategic Plan (Strategic Plan) Policy VLS-22, Local Street Program funds shall not be used to supplant existing local discretionary funds being used for street and highway purposes; and

**WHEREAS**, the Strategic Plan requires each local jurisdiction adopt a Maintenance of Effort base year level that is equivalent to the discretionary General Fund expenditures for transportation-related construction and maintenance activities in Fiscal Year 2008/2009, with some allowances for exceptions, to be approved by the Authority; and

**WHEREAS**, Authority will monitor local jurisdiction's annual use of discretionary General Fund for transportation-related construction and maintenance activities relative to the Maintenance of Effort base year level through 2040 through the annual audit process; and

**WHEREAS**, failure to meet the Maintenance of Effort base year level requirements can result in temporary to permanent withholding of Measure I Local Street Program funds.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Apple Valley, State of California, that the Measure I 2010-2040 Maintenance of Effort Base Year Level of \$0 is hereby adopted.

**APPROVED** and **ADOPTED** by the Town Council of the Town of Apple Valley this 26<sup>th</sup> day of January, 2016.

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Barb Stanton, Mayor

**ATTEST:**

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La Vonda M-Pearson, Town Clerk