

## **RESOLUTION NO. 19-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERCULES SUPPORTING THE COUNTYWIDE IMPOSITION OF ONE-HALF OF ONE PERCENT SALES TAX TO FUND TRANSPORTATION IMPROVEMENTS IN CONTRA COSTA COUNTY AND ADOPTING THE PROPOSED TRANSPORTATION EXPENDITURE PLAN (TEP) CONDITIONALLY AMENDING THE GROWTH MANAGEMENT PROGRAM (GMP), WHICH INCLUDES ATTACHMENT A: PRINCIPLES OF AGREEMENT FOR ESTABLISHING THE URBAN LIMIT LINE (ULL) IN THE MEASURE J TEP TO MATCH THAT FOUND IN THE 2020 TEP**

**WHEREAS**, the Contra Costa Transportation Authority (hereinafter “Authority”) proposes the countywide imposition of a one-half of one percent sales tax for transportation purposes for a period of 35 years effective July 1, 2020 through June 30, 2055; and

**WHEREAS**, the Authority has administered a one-half of one percent sales tax for transportation purposes since its inception on April 1, 1989; and

**WHEREAS**, the Authority conducted extensive consultations with local governments and conducted outreach to a wide variety of interest groups and the public in order to develop a TEP proposing a potential mix of projects and programs to be funded by the proposed sales tax; and

**WHEREAS**, on August 28, 2019, the Authority authorized the release of a proposed TEP reflecting the results of that consultation and outreach, and seeking concurrence on the proposed TEP from Contra Costa County and the cities/towns within Contra Costa County; and

**WHEREAS**, on August 28, 2019, the Authority adopted Ordinance 19-01 to conditionally amend the GMP, which includes Attachment A: Principles of Agreement for Establishing the ULL in the Measure J Transportation Expenditure Plan (“Measure J TEP”) to match that found in the 2020 TEP. This amendment would only apply if the one-half of one percent local transportation sales tax is placed on the ballot and successfully approved by the electors on the March 2020 ballot; and

**WHEREAS**, the proposed TEP includes measures that help reduce future congestion, manage the impacts of growth, and expand alternatives to the single-occupant vehicle; and

**WHEREAS**, if the proposed TEP is ultimately adopted by the Authority and approved by the voters, the TEP would guide the use of the proposed sales tax revenues; and

**WHEREAS**, pursuant to Public Utilities Code § 180206(b), a TEP may not be adopted by the Authority until and unless the proposed TEP has received the approval of the County Board of Supervisors and city/town councils representing both a majority of the cities/towns in Contra Costa County and a majority of the population residing in the incorporated areas of Contra Costa County.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Hercules that the proposed TEP is not subject to the California Environmental Quality Act of 1970 (“CEQA”) because the proposed TEP is not a project within the meaning of CEQA, and the Council’s adoption of this resolution does not commit the Council to a definite course of action with regard to any specific transportation improvements set forth in the proposed TEP (See 14 California Code of Regulations (CCR), § 15378, 15352). Specifically, the Council’s adoption of this resolution does not constitute the approval of a CEQA project for reasons that include, but are not limited to: (1) the proposed TEP does not authorize the construction of any projects that may result in any direct or indirect physical change in the environment; (2) the proposed TEP is a mechanism for funding potential future transportation projects, the timing, approval, and construction of which may be modified or not implemented depending on a number of factors, including future site-specific CEQA environmental review; and (3) the proposed TEP is subject to further discretionary approvals insofar as it may not be adopted until and unless the pre-conditions set forth in the Public Utilities Code are satisfied. (See 14 CCR, § 15378, 15352; Public Utilities Code § 180206(b)).

**BE IT FURTHER RESOLVED**, that the Hercules City Council approves, for the limited purpose identified in Public Utilities Code, § 180206(b), the proposed TEP released by the Authority on August 28, 2019.

**BE IT FURTHER RESOLVED**, that the Hercules City Council urges the Authority, consistent with the provisions of Public Utilities Code § 180206, to adopt the proposed TEP.

**BE IT FURTHER RESOLVED**, that the Hercules City Council urges the County Board of Supervisors, consistent with Public Utilities Code, § 180203, to place the one-half of one percent local transportation sales tax on the March 3, 2020 ballot.

**BE IT FURTHER RESOLVED**, that the Hercules City Council approves of the conditional amendment to the GMP, which includes Attachment A: Principles of Agreement for Establishing the ULL in the Measure J TEP to Match that Found in the proposed TEP, acknowledging that this amendment would only apply if the one-half of one percent local transportation sales tax is placed on the ballot and successfully approved by the electors on the March 3, 2020 ballot.

The foregoing Resolution was duly and regularly adopted at a regular meeting of the City Council of the City of Hercules held on the 10<sup>th</sup> day of September, 2018 by the following vote of the Council:

AYES:

NOES:

ABSTAIN:

ABSENT:

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Dan Romero, Mayor

ATTEST:

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Lori Martin, Administrative Services Director &  
City Clerk