

AGENDA

COMMITTEE ON GOVERNMENTAL RELATIONS

Meeting: 9:30 a.m., Wednesday, November 8, 2023
Glenn S. Dumke Auditorium

Jack B. Clarke, Jr., Chair
Yammilette Rodriguez, Vice Chair
Diana Aguilar-Cruz
Diego Arambula
Raji Kaur Brar
Lillian Kimbell
Julia I. Lopez
Jack McGrory
Jose Antonio Vargas

- Consent** 1. Approval of Minutes of the Meeting of September 12, 2023, *Action*
2. State Legislative Update, *Information*
- Discussion** 3. Endorsement of the Fresno County Ballot Initiative, *Action*

**MINUTES OF THE MEETING OF
COMMITTEE ON GOVERNMENTAL RELATIONS**

**Trustees of the California State University
Office of the Chancellor
Glenn S. Dumke Auditorium
401 Golden Shore
Long Beach, California**

September 12, 2023

Members Present

Jack Clarke, Jr., Chair
Yammilette Rodriguez, Vice Chair
Diana Aguilar-Cruz
Diego Arambula
Raji Kaur Brar
Lillian Kimbell
Julia Lopez
Jack McGrory
Jose Antonio Vargas

Jolene Koester, Interim Chancellor
Wenda Fong, Chair of the Board

Trustee Clarke called the meeting to order.

Approval of Minutes

The minutes of the May 24, 2023, meeting were approved as submitted.

State Legislative Update

Steve Relyea, executive vice chancellor and chief financial officer, reported that the Advocacy and State Relations (ASR) team has been consistently engaged in the legislative session in Sacramento, which will end on Friday. They continue to work with legislative offices on a variety of bills and respond to requests for the CSU to appear at a number of hearings.

Nathan Dietrich, assistant vice chancellor for advocacy and state relations highlighted important bills that impact the CSU and shared details about recent advocacy efforts in Sacramento.

The legislature returned from summer recess on August 14, and the session will end on September 14. The Governor will then have 30 days to sign or veto any bills the legislature has passed.

The board's sponsored bills are making great progress this legislative session. AB 656, which gives the CSU authority to establish practical doctoral programs, and AB 840, the alcohol sponsorship exemption proposal, have both passed both the Assembly and Senate and now await the Governor's consideration.

He noted that many of the bills listed in the agenda item were successfully amended to remove impacts to students and the campuses, and a large number were amended to become two-year bills. There appears to be agreement in Sacramento that if an education bond is on the ballot, it would be in November 2024. The revision to the out of the state travel ban has passed the Assembly and the Senate and awaits the Governor's consideration.

He reported on recent activities, including the first in-person alumni reception at the capitol since the pandemic; briefings and meetings with legislators, their staff and committee staff; and three significant committee hearings that addressed student success, the CalNAGPRA audit and the Title IX audit. In late August, Interim Chancellor Koester was honored by both the Senate and Assembly for her leadership.

Trustee McGrory would like to oppose any amendment that diminishes student access to mental health services. He feels the CSU should support the repeal of the out of state travel ban and support the student athlete bill of rights. Trustee Yee-Melichar asked for an update on SBX 1-2 and how the funding might be allocated. Trustee Gilbert-Lurie suggested they have a conversation on how board members could be advocates for the CSU. Trustee Adamson would like this to be a topic at the upcoming board retreat.

Trustee Clarke adjourned the meeting.

COMMITTEE ON GOVERNMENTAL RELATIONS

State Legislative Update

Presentation By

Steve Relyea
Executive Vice Chancellor and
Chief Financial Officer

Nathan Dietrich
Assistant Vice Chancellor
Advocacy and State Relations

Summary

The Legislature adjourned for the fall interim on September 14 and will remain in recess until January 2024. Bills must have been passed by September 14 to be considered by the Governor. The Governor had until October 14 to take action. Bills signed into law by the governor go into effect January 1, 2024, unless the bill includes an urgency statute (in which case it goes into effect immediately) or includes language that explicitly delays implementation until a specified date.

Legislative Session Review

The CSU and its universities enjoyed a successful legislative session, as the Governor signed the Board's two sponsored bills into law and a number of bills that would have had significant policy and fiscal implications for the CSU were not enacted into law.

The success achieved this session would not have been possible without the active engagement from the universities, trustees and key stakeholders. As a result, AB 656 (McCarty), the board's sponsored bill, was signed which expands the CSU's doctoral authority for professional and applied doctoral degrees where there is an identified workforce need and does not duplicate degrees offered by the UC. The second sponsored bill, AB 840 (Addis), now provides the authority for several campuses to engage in alcohol sponsorships, which will allow new revenue opportunities. In addition to the sponsored legislation, the Governor signed several other bills of importance, such as legislation to repeal the out of state travel ban (SB 447), establishing requirements to ensure Native American remains and cultural artifacts are repatriated (AB 389), and requiring the annual reporting of sexual harassment complaints (SB 808).

Governor Newsom also vetoed a number of bills that would have had significant operational or financial impacts to the system and its universities. These bills included increased liability related to hazing incidents even if the CSU took the necessary action to prohibit such actions (AB 299), expanded paid parental leave for up to one-semester (AB 1123), and bills that could have disrupted the workforce (AB 504, SB 640).

As we look ahead to the 2024 legislative session, staff will be actively engaged in discussions pertaining to issues such as Title IX, college athletics, intersegmental coordination, mental health and basic needs. In addition, the Board has made it a clear priority that the CSU be included in any educational facilities general obligation bond that may be on the November 2024 ballot. To which, staff will be engaging legislative leadership to secure its position and the funding necessary to address the growing infrastructure needs at the 23 universities.

End of Session Legislative Summary

This report below is organized as follows:

- Board of Trustees sponsored legislation
- Governor's Actions
 - Senate Bills
 - Assembly Bills
- Bills no longer advancing
 - Senate Bills
 - Assembly Bills

All bill summaries and positions are accurate as of October 20, 2023.

SPONSORED LEGISLATION

AB 656 (McCarty) – California State University: Doctoral Programs

This bill would authorize the California State University (CSU) broad authority to establish expanded doctoral offerings that do not duplicate the University of California’s (UC) doctoral programs and address workforce needs in California.

- **CSU Position:** Sponsor
- **Status:** Chaptered by Secretary of State – Chapter 663, Statutes of 2023.

AB 840 (Addis) – Tied-House Exemptions: Advertising

This bill creates an exception to tied-house laws that will allow several venues on CSU campuses to enter into sponsorship agreements with alcohol beverage suppliers.

- **CSU Position:** Sponsor
- **Status:** Chaptered by Secretary of State – Chapter 346, Statutes of 2023.

GOVERNOR’S ACTIONS

Senate Bills

SB 234 (Portantino) – Opioid Antagonists: Schools, College Campuses, Stadiums, Concert Venues, and Amusement Parks

This bill would require each stadium, concert venue, and amusement park to maintain unexpired doses of naloxone hydrochloride or any other opioid antagonist on its premises at all times, and to ensure that at least 2 employees are aware of the location of the naloxone hydrochloride or other opioid antagonist.

- **CSU Position:** Tracking
 - *Note:* *This bill was amended and no longer applies to higher education institutions.*

SB 447 (Atkins) – GO-Biz

This bill would repeal the state’s travel ban which currently prohibits state funded travel to certain states that have enacted anti-LGBTQ policies. It would instead authorize GO-Biz to promote social equity, civil rights, and antidiscrimination via a non-partisan, nationwide advertising campaign known as the Building and Reinforcing Inclusive, Diverse, Gender-Supportive Equity Project (BRIDGE Project)

- **CSU Position:** Support

SB 633 (Gonzalez) – California DREAM Loan Program: DREAM Grants

This bill authorizes institutions participating in the DREAM Loan Program to offer unawarded funds from their revolving fund as DREAM Grants to eligible students.

- **CSU Position:** Support

SB 661 (Bradford) – Student Athlete Bill of Rights

This bill expands upon the Student Athlete Bill of Rights to require all athletic programs, not just those with more than ten million dollars annually in media rights revenue, to provide an equivalent scholarship for up to five years for a student who suffers an injury and provide a scholarship for up to one year for a student that has exhausted their athletic eligibility under specified conditions.

- **CSU Position:** Pending

SB 791 (McGuire) – Postsecondary Education: Academic and Administrative Employees: Disclosure of Sexual Harassment

This bill requires the CSU and California Community Colleges (CCC), and requests the UC, to require as part of the hiring process for an appointment to an academic or administrative position that the applicant disclose any final judicial or administrative decision determining that the applicant committed sexual harassment.

- **CSU Position:** Tracking

SB 808 (Dodd) – CSU: Annual Report: Sexual Harassment Reports: Formal Sexual Harassment Complaints

This bill requires the CSU Board of Trustees to include additional oversight for approving sexual harassment settlements; to report annually on the number of sexual harassment complaints and the disposition of those cases to the Legislature; and to prohibit retreat rights for senior administrators who have violated Title IX policy.

- **CSU Position:** Tracking

Assembly Bills

AB 255 (Alanis) – Public Postsecondary Education: Priority Registration for First Responders

This bill requires the CSU and CCC, and requests the UC, to grant priority for registration to first responders.

- **CSU Position:** Tracking

AB 322 (Mathis) – Veteran and California National Guard Supplemental Orientation Act of 2023

This bill would require the CSU and the CCC, and requests the UC, to develop and include within first-year student orientation a supplemental module of services and resources available for students who are veterans of the Armed Forces of the United States and members of the California National Guard.

- **CSU Position:** Tracking

AB 389 (Ramos) – Native American Repatriation: California Native American Graves Protection and Repatriation Act of 2001: CSU

This bill establishes annual reporting to the Legislature by the CSU pertaining to requirements under the Native American Grave Protection and Repatriation Act and establishes accountability provisions to ensure compliance with those requirements.

- **CSU Position:** Support

AB 447 (Arambula) – Public Postsecondary Education: Students with Disabilities: Inclusive College Pilot Programs

This bill requests the CSU, and the UC, to develop inclusive college programs for students with intellectual and developmental disabilities to pursue an educational credential, upon appropriation from the Legislature.

- **CSU Position:** Tracking

AB 461 (Ramos) – Student Safety: Fentanyl Test Strips

This bill requires the CSU to include information about the use and location of fentanyl test strips at new student orientations and requires that each campus health center stock and distribute fentanyl test strips.

- **CSU Position:** Tracking

AB 569 (Garcia) – CSU: Veterans: Cybersecurity Regional Alliances and Multistakeholder Partnerships Pilot Program

This bill would require the CSU Chancellor's Office to submit a report to the Legislature on the Cybersecurity pilot program funded in the 2022 budget by July 1, 2028.

- **CSU Position:** Tracking

AB 607 (Kalra) – Public Postsecondary Education: Course Materials

This bill would require the CSU, CCC, and request the UC, to display the estimated costs for each digital course of all required course materials and fees directly related to those materials. This requirement would be phased in over a five-year period to require up to 75% of the total number of courses on the online campus course schedule for which a faculty member has been assigned.

- **CSU Position:** Tracking

AB 659 (Aguilar-Curry) – Cancer Prevention Act

This bill declares the public policy of the state that students who are 26 years of age or younger are recommended to be fully immunized against HPV before first-time enrollment at an institution of the CSU, UC, or CCC.

- **CSU Position:** Tracking

AB 789 (Berman) – Student Financial Aid: Cal Grants: Satisfactory Academic Progress

This bill requires postsecondary institutions to align their satisfactory academic progress standards to the minimum federal standards to qualify for participation in the Cal Grant program, among other changes.

- **CSU Position:** Tracking

AB 760 (Wilson) – CSU and UC: Records: Affirmed Name and Gender Identification

This bill requires CSU, and requests UC, by the 2024–25 academic year, to implement a system by which current students, faculty and staff can declare an affirmed name and/or gender be used in their records where a legal name is not required. The bill also requires the CSU to update specified records, including transcripts upon request of the individual.

- **CSU Position:** Tracking

AB 1311 (Soria) – Public Postsecondary Education: Allied Health Programs: Assessment

This bill requires the Legislative Analyst’s Office (LAO) to assess the effectiveness of existing programs in allied health jointly offered between the CSU, CCC and UC.

- **CSU Position:** Tracking

AB 1138 (Weber) – Postsecondary Education: Sexual Assault and Sexual Violence Prevention: Transportation Services

This bill requires the CSU, and UC, to provide students free transportation to and from a rape crisis center to administer Sexual Assault Forensic Examination (SAFE) Kits if such kits are not already administered on campus.

- **CSU Position:** Tracking

AB 1540 (Fong, Mike) – Postsecondary Education: Nonresident Tuition: Exemption

This bill would simplify the financial aid application process for undocumented students by authorizing institutions to accept an affidavit provided to the Student Aid Commission rather than requiring multiple affidavits.

- **CSU Position:** Tracking

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Senate Bills

SB 640 (Portantino) – CSU: Food Service Contracts and Hotel Development Projects

This bill requires the CSU or CSU auxiliaries to include a labor peace agreement as part of any food service or hotel development contract.

- **CSU Position:** Pending

Assembly Bills

AB 299 (Holden) – Hazing: Educational Institutions: Civil Liability: Resources

This bill establishes civil liability for an education institution, which includes the CSU, if the institution had direct involvement in or knew of, dangerous hazing practices of the student organization involved in hazing.

- **CSU Position:** Oppose unless amended

AB 504 (Reyes) – State and Local Public Employees: Labor Relations: Strikes

This bill would establish a statutory right for all public employees to take part in a sympathy strike.

- **CSU Position:** Oppose

AB 603 (Cervantes) – Public Postsecondary Education: Diversity: Report

This bill requires the CSU and CCC, and requests the UC, to annually report to the Legislature on the diversity of their student body and of their governing board.

- **CSU Position:** Tracking

AB 624 (Grayson) – Postsecondary Education: Disabled Student Services: Assessments

This bill requires public and private postsecondary educational institutions to provide and cover the costs of diagnostic assessments needed by students for academic accommodations. State funds will be provided to reimburse institutions on an actual-cost basis.

- **CSU Position:** Tracking

AB 746 (Sanchez) – Learning-Aligned Employment Program: Eligibility

This bill changes the requirements of the Learning-Aligned Employment Program to make it available to more students while still prioritizing those from underrepresented backgrounds.

- **CSU Position:** Tracking

AB 1123 (Addis) CSU: Employees: Paid Parental Leave of Absence

This bill requires the CSU to grant paid parental leave to an employee for one semester of an academic year.

- **CSU Position:** Oppose

BILLS THAT FAILED TO ADVANCE TO THE GOVERNOR

Senate Bills

SB 11 (Menjivar) – CSU: Mental Health Services: Contracting Out

This bill requires the CSU to maintain a ratio of one mental health counselor per 1,500 students at each campus and establishes the CSU Mental Health Professionals Act to provide incentives for CSU students to become mental health counselors.

- **CSU Position:** Oppose unless amended

SB 28 (Glazer) – Education Finance: School Facilities: Public Preschool, K–12, and College Health and Safety Bond Act of 2024

This bill would place a \$15.5 billion facilities bond on the March 2024 ballot for K-16, that if approved by the voters, would allocate \$2 billion for the CSU.

- **CSU Position:** Support

SB 59 (Skinner) – Menstrual Product Accessibility Act

This bill increases the number of bathrooms in state-owned buildings that must be stocked with menstrual products, which are to be provided to members of the public free of charge.

- **CSU Position:** Pending

SB 574 (Wahab) – Public Agencies: Project Labor Agreements

This bill prohibits a state agency from entering into a public works project in excess of \$35 million dollars, unless that project is governed by a project labor agreement (PLA). This would apply to the CSU if state bond funds are used in the construction of the public works project

- **CSU Position:** Pending

SB 856 (Glazer) – CSU Students: California Promise: Finish in Four and Through in Two

This bill requires the California Promise program to be renamed the ‘Finish in Four and Through in Two’ program. It also requires incoming students to opt out of participating rather than opting into the program, with each campus required to have at least five percent of each incoming class participating in the program.

- **CSU Position:** Pending

Assembly Bills

AB 25 (McCarty) – Student Financial Aid: Middle Class Scholarship Program

This bill amends the rules of the Middle Class Scholarship Program to remove basic needs emergency aid from consideration in the awarding or adjusting of scholarship amounts. It also requires the Department of Finance to fully fund the program over five years, provided general fund revenues increase for two consecutive years.

- **CSU Position:** Tracking

AB 252 (Holden) – The College Athlete Protection Act

This bill establishes the College Athlete Protection (CAP) Act, for the purpose of providing various rights, benefits and protections to college athletes. The bill creates a 21-member panel to promulgate various regulations and requires National Collegiate Athletic Association Division I schools to provide degree completion fund payments to student athletes that receive athletic grants.

- **CSU Position:** Oppose

AB 266 (Boerner) – Legislative Internship Program

The bill would establish the Legislative Internship Program under the administration of the CSU’s Center for California Studies.

- **CSU Position:** Pending

SB 307 (Ashby) – Middle Class Scholarship Program: Community Colleges: Current and Former Foster Youth

This bill expands access to the Middle Class Scholarship program for community college students who are current or former foster youth.

- **CSU Position:** Tracking
 - *Note: Components of this measure were incorporated into the Budget Act of 2023.*

AB 456 (Maienschein) – Public Postsecondary Education: Campus Mental Health Hotlines

This bill requires each campus of the CSU and CCC, and requests the UC, to establish a campus mental health hotline for students to access mental health services remotely during working hours and to include this phone number on the back of all student ID cards.

- **CSU Position:** Tracking

AB 506 (Fong, Mike) – CSU: Graduation Requirement: Ethnic Studies

This bill suspends the process for approving GE ethnic studies courses for one year during 2024 so that a new process can be developed in collaboration with the ASCSU, the ASCCC, the CCC Ethnic Studies Faculty Council, and the CSU Council on Ethnic Studies. It specifies that ethnic studies courses approved through 2023 will no longer satisfy the CSU ethnic studies GE requirement (area f) until they are re-reviewed under the new process.

- **CSU Position:** Oppose

AB 644 (Jones-Sawyer) – Public Postsecondary Education: Campus Safety: Hate Crimes: Surveys

This bill requires the CSU and CCC, and requests the UC, to work with students to develop questions related to hate crimes, campus climate, and safety to be added to the biennial online campus climate survey conducted by the U.S. Department of Education and to report the campus-level results to the Legislature.

- **CSU Position:** Tracking

AB 680 (Rubio, Blanca) – Public Postsecondary Education: Nonresident Tuition: Exemption

This bill expands the provisions of AB 540 and exempts certain students from paying nonresident tuition at the CSU, UC and CCC.

- **CSU Position:** Pending

AB 810 (Friedman) – Athletics Department: Misconduct Database

This bill requires a postsecondary education institution to contact a potential employee's past employer to verify they did not violate any employment policies of the former employer.

- **CSU Position:** Pending

AB 1062 (Santiago) – Public Postsecondary Education: California State University: Tuition

This bill requires, upon appropriation, that the CSU not charge tuition or mandatory systemwide fees to any community college transfer student with financial need and an ADT for up to two years. Additionally, such students who receive financial aid to cover their tuition and fees must receive an institutional grant in the commensurate amount of what otherwise would have been waived by the CSU to help cover their nontuition costs.

- **CSU Position:** Oppose

AB 1082 (Kalra) – Authority to Remove Vehicles

This bill would prohibit towing or immobilizing a vehicle due to unpaid parking tickets, increase the number of unpaid tickets from one to three before the Department of Motor Vehicles can place a registration hold and implement new requirements for parking payment plans established by processing agencies.

- **CSU Position:** Tracking
 - *Note:* *This bill was amended and no longer applies to higher education institutions.*

AB 1160 (Pacheco) – Protecting Students from Creditor Colleges Act

This bill expands the Educational Debt Collection Practices Act to prohibit a campus from refusing to provide a diploma or certificate for a current or former student on the grounds that the student owes a debt or engage a third-party debt collection agency to collect an existing or future student debt or selling an existing or future student debt to a third party.

- **CSU Position:** Oppose

AB 1142 (Fong, Mike) – Postsecondary Education: Coordinating Commission for Postsecondary Education in California

This bill would establish the Coordinating Commission for Postsecondary Education in California as the statewide postsecondary education oversight, coordination, and planning entity. Among many duties and responsibilities, the Commission would be required to develop and publish an independent annual report on the condition of higher education in California.

- **CSU Position:** Pending

AB 1390 (McCarty) – CSU: UC: Graduation Requirements: Service Learning

This bill specifies that the CSU and UC institute a service-learning requirement for students graduating by the 2032-33 academic year. The CSU and UC is prohibited from increasing the number of units needed to graduate because of this requirement.

- **CSU Position:** Oppose unless amended

AB 1524 (Lowenthal) Postsecondary Education: On-Campus Access to Drug Testing Devices and Antitampering Devices

This bill requires the CSU and CCC, and requests the UC, to stock devices that detect the presence of drugs such in a central and accessible location on campus and offer them free of charge.

- **CSU Position:** Tracking

AB 1558 (Gallagher) – Postsecondary Education: Safety: Credible Threats

The bill would require each campus after receiving a threat to student, faculty or staff safety to determine, through a third-party risk assessment, whether the threat is credible. If the campus determines the threat is credible, or determines the individual poses an immediate threat, the campus shall impose interim measures to ensure school and student safety.

- **CSU Position:** Pending

AB 1575 (Irwin) – Postsecondary Education: Designated Advocates: Notification

This bill requires the segments of postsecondary education to notify students of their ability to opt into selecting a designated advocate, who will receive notifications about specified administrative, academic, health, and disciplinary notices.

- **CSU Position:** Pending

COMMITTEE ON GOVERNMENT RELATIONS

Endorsement of the Fresno County Ballot Initiative

Presentation By

Steve Relyea
Executive Vice Chancellor and
Chief Financial Officer

Saúl Jiménez-Sandoval
President
California State University, Fresno

Nathan Dietrich
Assistant Vice Chancellor
Advocacy and State Relations

Summary

This agenda item requests endorsement by the California State University Board of Trustees for a Fresno County March 2024 ballot initiative that will ask voters to consider raising the county's sales tax, which additional tax revenue will exclusively support a newly created Fresno State Improvement Zone. The ballot initiative is called Measure E.

If the initiative is approved by voters, it would increase Fresno County's sales tax by 1 cent on every \$4 purchase (a quarter cent sales tax). Tax revenue would be placed into a separate, newly created Fresno State Improvement Zone account. Funds from the measure would be allocated to Fresno State to modernize, replace, renovate, construct, equip, furnish, and improve its facilities, as well as fund scholarships for Central Valley students and veterans. Such improvements will result in modern, upgraded facilities that will enhance the teaching and learning environment, which will directly support greater program access and student success.

Initiative Background

A group of Fresno-area community leaders, including local and state elected officials, operating independently of Fresno State, have organized the effort to place the "Fresno State Improvement Zone Measure" in front of voters. The Fresno County Clerk/ Registrar of Voters has determined that the measure has secured enough signatures to be placed on the ballot and in October 2023 the Fresno County Board of Supervisors voted 5-0 to place the item on the March 2024 ballot.

Fresno-area leaders understand that Fresno State plays an important role in their region's future. Over 57% of Fresno State's current students graduated from a high school in Fresno County or attended a community college in Fresno County. In addition, Fresno State has over 85,000 alumni who reside in Fresno County, many of whom understand the importance of Fresno State's growth and access for generations to come, specifically for in-demand academic programs such as Nursing, Engineering, Criminology, and Agriculture. An earlier ballot measure had been approved by the Fresno County Board of Supervisors and was placed on the November 2022 ballot. That measure did not pass by approximately 10,000 votes (falling 47% to 53%). Since then, the community group has modified the proposal and circulated the new version for voter's consideration. Measure E differs from the previous measure, as it includes the creation of a scholarship endowment, modifies the composition of a Citizens' Oversight Committee to include Fresno State and the CSU Office of the Chancellor, and does not prescribe a maximum percentage of the annual allocation for athletic facilities.

Initiative Details

Measure E asks voters to consider increasing Fresno County's sales tax by 1 cent on every \$4 purchase. The additional tax revenue would be placed into a newly created Fresno State Improvement Zone account and a Citizens' Oversight Committee would authorize payments to specific Fresno State projects. It is estimated that the sales tax increase will generate \$56 million annually and a total of \$1.4 billion over its 25-year term. All projects would be designed and constructed in accordance with the approved campus master plan and in compliance with all CSU and Board policies. The 7-member Citizens' Oversight Committee would be made up of five individuals appointed by the Fresno County Board of Supervisors, Fresno State's president, and a representative of the CSU Office of the Chancellor.

Funds from the measure would primarily be used by Fresno State to build new facilities, modernize existing aged facilities, and help address the \$500 million backlog of deferred maintenance. The measure specifically notes that funds would be directed to "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..." Athletic facilities owned by the university could also be renovated or modernized with the funding.

All projects would be included as part of Fresno State's Board approved Five-Year Capital Outlay Program in order to be eligible for funding. Proceeds will be spent to construct, modernize, replace, renovate, equip, and furnish facilities on the Fresno State campus. Funding is allowed to be used for architectural and engineering design, and other professional services, site preparation, utilities, landscaping, and other project related costs including plan check, permitting, and construction/project management. Revenues may also be used to acquire real property.

Examples of projects that potentially could be funded by the measure include:

- Construction of new facilities such as a Concert Hall, a new building for the Lyles College of Engineering, and a new building to expand the Nursing capacity to meet the shortages experienced by local health care organizations;
- Modernization of existing facilities and classrooms to reflect 21st century active learning pedagogies;
- Upgrading electrical, telecommunication, fire alarm, and similar building systems;
- Replacing, repairing, or upgrading plumbing, piping, and drainage systems, including domestic water wells, meters, wastewater systems, and plumbing fixtures;
- Replacing or modifying aging building heating, ventilation, and air cooling systems with energy-efficient HVAC systems, including campuswide installation of new energy management systems and other energy efficient/sustainable measures not included in current projects;
- Replacing, modifying, or upgrading interior lighting, exterior lighting, and video security systems;
- Upgrading and modifying restroom facilities, including ADA path of travel; and
- Constructing, repairing, and renovating roadways, walkways, grounds, and parking lots, and making entrance improvements to meet enhanced accessibility requirements and upgrades to pedestrian/ vehicular signage.

All capital projects will be designed and constructed in accordance with CSU policies and procedures for Major Capital Outlay projects. This includes review and final approvals by the Board of Trustees.

The measure also directs funds to the creation of two endowments of approximately \$50 million each. One endowment shall be used for funding scholarships for local, low-income students, including veterans enrolled in and attending Fresno State. The other endowment shall be used for funding deferred maintenance and other campus programs. Once the endowments are established, it is estimated that each will generate between \$5 million and \$10 million a year.

Benefits of the Initiative

Funding from the proposed ballot measure would support student success by addressing deteriorating campus facilities and infrastructure. Currently, the campus has a deferred maintenance backlog (excluding athletic facilities) in excess of \$500 million. A sustainable, predictable revenue stream to address this backlog would assist in providing modern teaching and learning environments for our students and faculty. Facilities and equipment associated with the measure will also contribute to sustaining Fresno State's "R2" designation as a research institution.

An internal document from Fresno State in March 2020 stated that 77% of buildings at Fresno State are more than 30 years old and 62% are more than 60 years old. In addition, the Legislative Analyst's Office 2023 report titled "Addressing Capital Renewal at UC and CSU" states that Fresno State has the 10th highest projected capital renewal needs in the CSU and is the 8th in having the poorest facility conditions in the system.

Fresno State is instrumental to the success and economic vitality of the Central Valley region – a region responsible for producing 25% of the Nation's food and a region that is critical to the future economic success of California. Fresno State generates an estimated \$716.9 million in annual economic impact for the region.

Estimated Timeline/Next Steps

Voters will consider the measure in the March 5, 2024 statewide primary election. If approved, the sales tax would go into effect in July 2024. Oversight committee members will be chosen by the County Board of Supervisors in 2024. Audit reports would be published each year and the sales tax increase would expire after 25 years. The additional sales tax would not be collected in certain jurisdictions of Fresno County where collection of 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.

Recommendation

The following resolution is recommended for approval:

RESOLVED, by the Board of Trustees of the California State University, that the Board of Trustees endorse the Fresno County Measure E (Fresno State Improvement Zone) ballot initiative.

Fresno County Transactions and Use Tax: *Fresno State Improvement Zone Measure*

Full Text of Measure

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

THE VOTERS OF THE COUNTY OF FRESNO ORDAIN AS FOLLOWS:

SECTION 1. 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.

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

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

- 4.60.010. – Title.
- 4.60.020. – Operative Date.
- 4.60.030. – Purpose.
- 4.60.040. – Contract with State.
- 4.60.050. – Transactions Tax Rate.
- 4.60.060. – Place of Sale.
- 4.60.070. – Use Tax Rate.
- 4.60.080. – Adoption of Provisions of State Law.
- 4.60.090. – Limitations on Adoption of State Law and Collection of Use Taxes.
- 4.60.100. – Permit Not Required.
- 4.60.110. – Exemptions and Exclusions.
- 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) To impose a retail transactions and use tax in accordance with the provisions of Revenue and Taxation Code, Division 2, Part 1.6 (commencing with Section 7251) and section 7285.5 of Part 1.7 of Division 2, which authorizes the County to adopt this ordinance which will be operative if a majority of the electors voting on the measure vote to approve the imposition of tax at an election called for that purpose, or if the Fresno County Board of Supervisors adopts this ordinance prior to an election pursuant to California Elections Code section 9118, subdivision (a).
- (2) 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 of this ordinance are not inconsistent with the requirements and limitations contained in Revenue and Taxation Code, Division 2, Part 1.6.

- (3) 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.
- (4) 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 Revenue and Taxation Code, Division 2, Part 1.6, minimize the cost of collecting the transactions and use taxes, and at the same time, minimize the burden of record keeping upon persons subject to taxation under the provisions of this chapter.

4.60.040. – Contract with State.

Prior to the Operative Date, 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, it shall nevertheless so contract and in such a case the Operative Date shall be the first day of the first calendar quarter following execution of such a contract.

4.60.050. – Transactions Tax Rate.

For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the County 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 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 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 Tax and Fee Administration.

4.60.070. – Use Tax Rate.

An excise tax is hereby imposed on the storage, use or other consumption in the County of tangible personal property purchased from any retailer on and after the Operative Date of this chapter for storage, use or other consumption in said territory at the rate of 0.25% 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. Such tax shall be in addition to any other transactions tax imposed by this Code or applicable state law.

4.60.080. – Adoption of Provisions of State Law.

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

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

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

- (1) 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:
 - a. The word "State" is used as a part of the title of the State Controller, State Treasurer, State Board of Control,

- California Department of Tax and Fee Administration, State Treasury, or the Constitution of the State of California;
- b. 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 chapter.
 - c. In those sections, including, but not necessarily limited to sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to:
 - i. 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;
 - 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.
 - d. In Revenue and Taxation Code §§ 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828.
- (2) The word "County" shall be substituted for the word "State" in the phrase "retailer engaged in business in this State" in Revenue and Taxation Code Section 6203 and in the definition of that phrase in Section 6203.

4.60.100. – Permit Not Required.

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

4.60.110. – Exemptions and Exclusions.

- (1) 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.
- (2) There are exempted from the computation of the amount of transactions tax the gross receipts from:
 - a. 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.
 - b. Sales of property to be used outside the County, which is shipped to a point outside the County, 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 County shall be satisfied:
 - i. With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Vehicle Code, Division 3, Chapter 1 (commencing with Section 4000); aircraft licensed in compliance with Public Utilities Code Section 21411; and undocumented vessels registered under Vehicle Code, Division 3.5 (commencing with Section 9840) by registration to an out-of-County 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
 - ii. With respect to commercial vehicles, by registration to a place of business out-of-County and declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.
 - c. 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 article.
 - d. 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 article.
 - e. For the purposes of subparagraphs (c) and (d) 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.
- (3) There are exempted from the use tax imposed by this chapter, the storage, use or other consumption in 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 property into the County or participates within the County 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 County or through any representative, agent, canvasser, solicitor, subsidiary, or person in the County under the authority of the retailer.
 - g. "A retailer engaged in business in the County" shall also include any retailer of any of the following: vehicles subject to registration pursuant to Vehicle Code, Division 3, Chapter 1 (commencing with Section 4000); aircraft licensed in compliance with Public Utilities Code Section 21411; or undocumented vessels registered under Vehicle Code, Division 3.5 (commencing with Section 9840). 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 County.
- (4) Any person subject to use tax under this chapter 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 Revenue and Taxation Code, Division 2, Part 1.6 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.

4.60.120. – Amendments.

All amendments subsequent to the effective date of this article to Revenue and Taxation Code, Division 2, Part 1 relating 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 amendments to Parts 1.6 and 1.7, shall automatically become a part of this article, provided however, that no such amendment shall operate so as to affect the rate of tax imposed by this chapter.

4.60.130. – 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 chapter, or Revenue and Taxation Code, Division 2, Part 1.6, of any tax or any amount of tax required to be collected.

4.60.140. – Severability.

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

4.60.150. – Effective Date.

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, improvements and facilities within the Fresno State Improvement Zone. This shall include the furnishing and equipping of University facilities and acquisition or lease of real property for use by the University.
- (4) Proceeds of the tax levied and imposed hereunder will be expended to modernize, replace, renovate, construct, equip, furnish, and otherwise improve facilities within and around the campus of California State University, Fresno ("Fresno State"). The proposed projects will include all related and incidental costs, including costs of architectural and engineering design, and other professional services, site preparation, utilities, landscaping, and other project related costs include plan check and permitting costs, and construction management. Such tax revenues may also be expended to acquire real property for future facilities and to acquire and install furniture, fixtures, and equipment therein.

- (5) It is the intent of the voters that there shall be created two endowments of approximately \$50 million each. One endowment shall be used for funding scholarships for local, low-income students including veterans enrolled in and attending Fresno State. The other endowment shall be used for funding deferred maintenance and other campus program support identified herein. It is the further intent of the voters that the corpus to establish these endowments be preserved and not spent during the 25-year pendency of the measure, and that the interest accrued in the respective endowments shall be transferred to Fresno State annually for funding the two uses prescribed herein, estimated to be between \$5 million and \$10 million a year. Upon the sunset of this ordinance, and unless renewed by a subsequent measure, any remaining endowment funds shall be provided to Fresno State for use in furtherance of the purposes of this ordinance.
- (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 the costs of administering the provisions of this Chapter, including County staffing or staffing retained by the Citizens' Oversight Committee and other related administrative costs.
- (7) Projects approved under this ordinance are expected to be constructed in accordance with CSU policies and procedures for Major Capital Outlay projects, which policies allow for various construction delivery methods including design, bid, build, design/build, and CM Risk. Each delivery method has specific CSU procurement requirements to ensure a fair and equitable, transparent and competitive process. Projects under this ordinance shall comply, as necessary, with all applicable building standards including the Americans with Disabilities Act (ADA).

4.60.170. – Accountability – Citizens' Oversight Committee.

- (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.
- (4) Terms of Service; Vacancies.
 - a. Members of the Committee shall be appointed for terms of five (5) years. No committee member shall serve more than three (3) consecutive terms.
 - b. Committee members whose terms expire shall continue to serve until their successor is appointed and qualified. If a vacancy occurs other than by expiration of a term, it shall be filled by appointment for the unexpired portion of the term.
 - c. Should a member of the Committee fail to attend two (2) consecutive regular meetings, unless excused for cause by the chairperson, that member's service shall be deemed vacant and the member's term ended. The Committee secretary shall immediately notify the Board of Supervisors of such termination.
 - d. Committee members appointed by the Board of Supervisors may be removed for good cause established, and thereafter by a majority vote of the Board of Supervisors. Committee members appointed by the California State University, Office of the Chancellor and Fresno State, Office of the University President may be removed for good cause established by their appointing authority.
 - e. All Committee members' terms will end when the Fresno State Improvement Zone Ordinance terminates pursuant to 4.60.180.
- (5) Meetings; Officers; Rules of Procedure; Quorum.
 - a. The Committee may adopt rules and regulations to govern proceedings and shall set a time for regular meetings which shall be held at least quarterly.
 - b. The Committee shall elect a chairperson, vice-chairperson and secretary. Their respective duties shall be as are usually carried out by such officers. In the chairperson, vice-chairperson or secretary's absence or disability, the Committee may designate a chairperson, vice-chairperson or secretary *pro tempore*. Officers shall hold office for one year and until their successors are elected.
 - c. A majority of the committee shall constitute a quorum for the transaction of business.
 - d. Committee meetings are subject to all open-meeting laws, and must be noticed and open to the public. Committee minutes and reports are a matter of public record and must be made available to the public in the manner provided by law.

- e. Orientation and training is mandatory for all new committee members. Each committee member shall 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.

(7) Compensation

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

(8) Funding.

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

4.60.180. – Termination Date.

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

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