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Agenda Date: 2/27/2018

Agenda Placement: 6V

## NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

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**TO:** Board of Supervisors

**FROM:** John Tuteur - Registrar of Voters  
Elections

**REPORT BY:** John Tuteur, Assessor-Recorder-County Clerk - 253-4459

**SUBJECT:** Request for Board of Supervisors to consolidate Regional Measure 3 with the June 5, 2018 Primary Election

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### **RECOMMENDATION**

Assessor-Recorder-County Clerk ex-officio Registrar of Voters requests adoption of a resolution:

1. Consolidating the Bay Area Toll Authority (Authority) Regional Measure 3 (RM3) with the statewide primary election to be held on June 5, 2018; and
2. Directing the Registrar of Voters to conduct the election with reimbursement of incremental costs by the Authority.

### **EXECUTIVE SUMMARY**

The Bay Area Toll Authority (Authority) governing body adopted Resolution No. 123 on January 24, 2018 calling a special election for June 5, 2018 for the purpose of placing Regional Measure 3 (toll increases for state owned bridges within the geographic jurisdiction of the Metropolitan Transportation Commission) on the ballot and requesting that all nine counties of the Bay Area consolidate the special election with the June 5, 2017 primary election. The Board's adoption of the attached resolution will accomplish this task and is mandated by the code section. Section 30923(g)(2) of the Streets & Highway Code requires BATA to reimburse each county participating in the election for the incremental cost of submitting the measure to the voters.

### **FISCAL IMPACT**

Is there a Fiscal Impact?            Yes

Is it currently budgeted?            No

What is the revenue source?	Napa County will be reimbursed by the Bay Area Toll Authority for the incremental costs of placing Regional Measure 3 on the ballot. There should be no impact on the General Fund.
Is it Mandatory or Discretionary?	Mandatory
Is the general fund affected?	No
Future fiscal impact:	None
Consequences if not approved:	Consolidation of the election by the Board is mandated by the enabling legislation. Failure to consolidate the measure could lead to litigation and loss of reimbursement funds.

Additional Information:

### **ENVIRONMENTAL IMPACT**

**ENVIRONMENTAL DETERMINATION:** General Rule. It can be seen with certainty that there is no possibility the proposed action may have a significant effect on the environment and therefore CEQA is not applicable. [See Guidelines For the Implementation of the California Environmental Quality Act, 14 CCR 15061(b)(3)]. Additionally, consolidating this election is a ministerial act which is exempt from CEQA [14 CCR 15268; *Friends of Sierra Madre v. City of Sierra Madre* (2001) 25 Cal. 4th 165; *San Bernardino Associated Governments v. Superior Court* (2006) 135 Cal. App.4th 1106.

### **BACKGROUND AND DISCUSSION**

The Bay Area Toll Authority (Authority) is an agency established pursuant to California Streets and Highways Code section 30950 *et seq.* The Authority is responsible for the administration of all toll revenues from state-owned toll bridges within the geographic jurisdiction of the Metropolitan Transportation Commission, which includes the City and County of San Francisco and the Counties of Alameda, Contra Costa, Marin, Napa, San Mateo, Santa Clara, Solano, and Sonoma ("the nine Bay Area counties."). California Streets & Highway Code section 30923(a) tasks the Authority with choosing the date of the election and the amount and timing of the proposed toll increases. Toll increases cannot take effect until a special election is conducted in the nine Bay Area counties and consolidated with the statewide election chosen by the Authority. Section 30923 requires that the measure be designated as "Regional Measure 3" and that, at the request of the Authority, the counties call a special election to be consolidated with the statewide primary or general election.

On January 24, 2018, the Authority adopted Resolution No. 123, proposing a toll increase (Regional Measure 3), to be placed before the voters and to be consolidated with the June 5, 2018 primary election. Each of the nine Bay Area counties are required to consolidate the special election for RM3 with the June 5, 2018 Primary Election. The Board's adoption of the attached resolution will accomplish this task. Section 30923(g)(2) also requires Authority to reimburse each county participating in the election for the incremental cost of submitting the measure to the voters.

### **SUPPORTING DOCUMENTS**

A . Resolution

B . Exhibit A- Authority (BATA) Resolution

CEO Recommendation: Approve

Reviewed By: Helene Franchi