

ATTACHMENT 1

RESOLUTION 2015-05

**RESOLUTION ORDERING AN ELECTION,
REQUESTING COUNTY ELECTIONS TO CONDUCT THE ELECTION,
AND REQUESTING CONSOLIDATION OF THE ELECTION**

MONTEREY-SALINAS TRANSIT DISTRICT

WHEREAS, public transit provides a lifeline for senior citizens and people with disabilities. They depend on it for independent living, such as getting to doctor's appointments, the pharmacy, and the grocery store. In fact, Monterey-Salinas Transit District ("MST" or the "District") logged over 1.25 million miles last year alone providing the vital service of transporting seniors and people with disabilities; and

WHEREAS, many military veterans in Monterey County, including disabled veterans, rely on public transit to access health care, housing, and job placement services. Our veterans have sacrificed for our country, and we owe them such basic services as transportation when they need it; and

WHEREAS, in recent years, state government has cut more than 30 million dollars in funding for transit services in Monterey County, and now the federal government is eliminating a number of transit programs dedicated to seniors and the disabled, and a grant program to assist veterans in finding transit services has expired. To continue local transit services for our seniors, veterans and people with disabilities, we must have a local revenue source that cannot be taken away by state or federal government; and

WHEREAS, this measure will require annual performance and financial audits as well as citizen oversight to ensure that the revenue raised is properly used; and

WHEREAS, even with major budget cuts, MST has run an efficient operation and has continued to provide reliable service to the thousands of people who take it every day; and

WHEREAS, California Public Utilities Code Section 106060 authorizes MST to levy a local transactions and use (sales) tax, subject to voter approval; and

WHEREAS, at a public hearing on July 14, 2014, the District Board of Directors considered calling a special election to seek voter approval of a local sales tax to maintain funding for essential programs that provide transit services for senior citizens, veterans and the disabled; and

WHEREAS, after that hearing, the District Board of Directors concluded that all of the information presented indicated that, to create an additional source of revenue to assist with funding for programs that provide transit services for senior citizens, veterans and the disabled,

the District Board of Directors should call an election to ask the voters of the District to approve a local transactions and use tax of one-eighth of a cent per dollar (0.125%); and

WHEREAS, consistent with the requirements of Public Utilities Code section 106060, a majority of MST member jurisdictions have expressed concurrence with the District submitting this transactions and use tax measure to the voters for approval; and

WHEREAS, on the basis of the foregoing, the District Board of Directors determined that it was appropriate to place a measure regarding a local sales tax before the voters at the November 4, 2014, election; and

WHEREAS, the tax to be submitted, if approved, would be imposed on the sale of tangible personal property and the storage, use or other consumption of such property. The tax rate would be one-eighth of one percent (0.125%) (one eighth of a penny for each dollar) of the sales price. The tax revenue would be collected by the State Board of Equalization and remitted to the District. The tax shall be approved if the measure receives at least a two-thirds majority of those voting on the measure; and

WHEREAS, pursuant to Elections Code Section 10002, the governing body of the District may, by resolution, request the Board of Supervisors to permit the county elections official to render specified services to the District relating to the conduct of an election; and

WHEREAS, the resolution of the governing body of the District shall specify the services requested; and

WHEREAS, pursuant to Elections Code Section 10002, the District shall reimburse the county in full for the services performed upon presentation of a bill to the District; and

WHEREAS, pursuant to Elections Code Section 10400, whenever two or more elections, including bond elections, of any legislative or congressional district, public district, city, county, or other political subdivision are called to be held on the same day, in the same territory, or in territory that is in part the same, they may be consolidated upon the order of the governing body or bodies or officer or officers calling the elections; and

WHEREAS, pursuant to Elections Code Section 10400, such elections for cities and special districts may be either completely or partially consolidated; and

WHEREAS, pursuant to Elections Code Section 10403, whenever an election called by a district, city or other political subdivision for the submission of any question, proposition or office to be filled is to be consolidated with a statewide election, and the question, proposition or office to be filled is to appear upon the same ballot as that provided for that statewide election, the district, city or other political subdivision shall, at least 88 days prior to the date of the election, file with the board of supervisors, and a copy with the elections official, a resolution of its governing board requesting the consolidation, and setting forth the exact form of any question, proposition or office to be voted upon at the election, as it is to appear on the ballot. Upon such request, the Board of Supervisors may order the consolidation; and

WHEREAS, the resolution requesting the consolidation shall be adopted and filed at the same time as the adoption of the ordinance, resolution or order calling the election; and

WHEREAS, various district, county, state and other political subdivision elections may be or have been called to be held on November 4, 2014.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED THAT THE governing body of the Monterey-Salinas Transit District hereby orders an election be called and consolidated with any and all elections also called to be held on November 4, 2014, insofar as said elections are to be held in the same territory or in territory that is in part the same as the territory of the requests the Board of Supervisors of the County of Monterey to order such consolidation under Elections Code Section 10401 and 10403.

BE IT FURTHER RESOLVED AND ORDERED that the District Board of Directors hereby requests the Board of Supervisors to permit the Monterey County Elections Department to provide any and all services necessary for conducting the election and agrees to pay for said services, and

BE IT FURTHER RESOLVED AND ORDERED that the Monterey County Elections Department shall conduct the election for the following measure to be voted on at the November 4, 2014, election:

Shall Monterey-Salinas Transit, also known as MST, provide, maintain and protect transit services for Monterey County senior citizens, veterans and people with disabilities, including trips to vital medical appointments and veterans' job training/ placement services, by enacting a one-eighth of one cent per dollar sales tax, to replace eliminated federal and state funding with local revenue to be dedicated only to these specific purposes, subject to citizen oversight and annual independent financial and performance audits?

BE IT FURTHER RESOLVED AND ORDERED THAT the measure text to be submitted to the voters proposes the enactment of a special transactions and use tax. It specifies that the rate of the transactions tax shall be one-eighth of one percent (0.125%) of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in Monterey County; it specifies that the rate of the use tax shall be one-eighth of one percent (0.125%) of the sales price of tangible personal property stored, used or otherwise consumed in Monterey County. The State Board of Equalization shall collect the tax from retailers subject to the tax and remit the funds to the District. The measure includes an expenditure plan, which authorizes use of revenue from the measure to fund services that support transportation planning, specialized equipment and operating expenses required to meet the special mobility needs of veterans, senior citizens and persons with disabilities, including trips required for vital medical appointments and for veterans' job training/ placement services, as well as to pay for the District's costs of the election necessary to obtain voter approval for the measure. The District Board of Directors hereby approves the submission to the ordinance to the voters of Monterey County at the November 4, 2014, election, as required by Revenue and Taxation Code section 7285.5, which requires the affirmative votes of two-thirds of the voters voting on the measure for approval; and

BE IT FURTHER RESOLVED AND ORDERED THAT the deadlines for submitting direct arguments for and against the measure and rebuttal arguments to the direct arguments shall be as established by the Monterey County Elections Department; and

BE IT FURTHER RESOLVED AND ORDERED THAT the Chairperson of the District is hereby authorized to prepare and file a written argument in favor of the proposed measure, not to exceed three hundred (300) words, or in the alternative to delegate this responsibility to the District Chief Executive Officer, on behalf of the Board of Directors. At the Chairperson's (or Chief Executive Officer's) discretion, the argument may also be signed by members of the Board of Directors or bona fide associations or by individual voters who are eligible to vote on the measure. In the event that an argument is filed against the measure, the Chairperson (or Chief Executive Officer) is also authorized to prepare and file a rebuttal argument on behalf of the Board of Directors, which may also be signed by members of the Board of Directors or bona fide associations or by individual voters who are eligible to vote on the measure; and

BE IT FURTHER RESOLVED AND ORDERED THAT the District's Board of Directors finds that this resolution is exempt from the California Environmental Quality Act (Public Resources Code §§ 21000 et seq., "CEQA," and 14 Cal. Code Reg. §§ 15000 et seq., "CEQA Guidelines"). The transactions and use tax to be submitted to the voters is a special tax that can only be used to fund transit services for senior citizens, veterans and the disabled. As such, under CEQA Guidelines section 15378(b)(4), the tax is not a project within the meaning of CEQA because it creates a government funding mechanism that does not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment. If revenue from the tax were used for a purpose that would have either such effect, the District would undertake the required CEQA review for that particular project. Therefore, under CEQA Guidelines Section 15060 review under CEQA is not required. The District shall perform CEQA analysis for any project funded by the revenue from the tax prior to approving the project, if the project requires analysis under CEQA; and

BE IT FURTHER RESOLVED AND ORDERED THAT the District Chief Executive Officer and District General Counsel are each authorized to complete all acts necessary to enable this election be called and consolidated with any and all elections also called to be held on November 4, 2014. This may include, but shall not be limited to, preparing an impartial analysis of the ballot measure.

Libby Downey
Chairperson

Carl Sedoryk
Secretary

PASSED AND ADOPTED BY THE MONTEREY-SALINAS TRANSIT DISTRICT BOARD
OF DIRECTORS THIS ___th day of _____, 2014, by the following vote:

AYES: Directors:

NOES: Directors:

ABSENT: Directors:

ATTEST:

Board Secretary (Deputy)

2281008.5

Blank Page