

RESOLUTION NO. 2020-41
BOARD OF DIRECTORS, PENINSULA CORRIDOR JOINT POWERS BOARD
STATE OF CALIFORNIA

**CALLING AND PROVIDING FOR A JOINT POWERS AUTHORITY REGIONAL ELECTION
ON NOVEMBER 3, 2020 FOR THE PURPOSE OF SUBMITTING TO THE VOTERS OF THE CITY
AND COUNTY OF SAN FRANCISCO, SAN MATEO COUNTY AND SANTA CLARA COUNTY A
MEASURE AUTHORIZING ADOPTION OF A RETAIL TRANSACTIONS AND USE TAX
RESOLUTION TO FUND THE CALTRAIN COMMUTER RAILROAD; AND REQUESTING
CONSOLIDATION OF THIS JOINT POWERS AUTHORITY REGIONAL ELECTION WITH THE
NOVEMBER 3, 2020 STATEWIDE GENERAL ELECTION**

WHEREAS, the Peninsula Corridor Joint Powers Board (JPB) is a joint exercise of powers authority duly formed and governed pursuant to the October 3, 1996 restated joint powers agreement between the City and County of San Francisco, the San Mateo County Transit District (SMCTD), and the Santa Clara Valley Transportation Authority (VTA) (together, the "Member Agencies"); and

WHEREAS, to provide a means to address the JPB's financial challenges, in 2017 the Governor signed Senate Bill No. 797, introduced by Senator Jerry Hill and codified as Section 7286.65 of the California Revenue and Taxation Code, authorizing the JPB to implement a new retail transactions and use tax of up to 0.125 percent in the City and County of San Francisco and the Counties of San Mateo and Santa Clara (together, the "Counties") if (i) the Board of Directors of the JPB adopts a resolution by a two-thirds vote submitting the measure to the voters, (ii) the submission of the measure to the voters is approved by each of the Boards of Supervisors in the Counties, (iii) the submission of the measure to the voters is approved by the governing boards of the San Francisco Municipal Transportation Agency (SFMTA), the SMCTD, and VTA, and (iv) the tax is adopted by a two-thirds vote of the three Counties' voters; and

WHEREAS, on this August 6, 2020, the JPB's Board of Directors (Board) adopted a resolution (Resolution), including a ballot measure, providing for the imposition of a one-eighth of one percent (0.125%) retail transactions and use tax for a period of thirty (30) years, throughout the three Counties, to fund operating and capital expenses of the Caltrain rail service, and to support the operating and capital needs required to

implement the Service Vision adopted by the JPB on October 3, 2019 as part of the Caltrain Business Plan; and

WHEREAS, more specifically, the tax revenues from this measure will be prioritized:

- To support the operation of Caltrain service levels throughout the corridor from San Francisco to Gilroy, including, but not limited to, expanded service and increased capacity realized through the operation of an electrified system. The required support includes the maintenance of equipment, infrastructure and systems necessary to sustain and expand the service;
- To support the infrastructure, rolling stock, and capital projects necessary to advance the expansion of the Caltrain peak hour service from six trains per hour per direction to eight trains per hour per direction, as well as the expansion of the Gilroy service to a minimum of five morning and five afternoon trains;
- To develop and implement programs to expand access to the Caltrain service and facilitate use of the system by passengers of all income levels, including establishing an affordability program with consideration of discounted passes and/or additional means-based fare discounts informed by Caltrain's involvement in the regional Means Based Fare Pilot Program;
- To help leverage other local, regional, state and federal investments to advance capital projects necessary to implement the Caltrain Business Plan's 2040 Service Vision, adopted by the JPB on October 3, 2019, including, but not limited to: the San Francisco Downtown Extension project including the Pennsylvania Avenue alignment, the extension of electrified train service to Gilroy, and grade separations throughout the Caltrain rail corridor; and
- To provide the JPB with a steady stream of funding to support the annual operating, maintenance and capital needs of an electrified Caltrain service with increased frequency and capacity, which in turn will reduce traffic congestion and air pollution in the Counties; and

WHEREAS, pursuant to subdivision (d) of Section 2 of Article XIII C of the California Constitution, such retail transactions and use tax may take effect only if two-thirds of the qualified voters of the incorporated and unincorporated territory of the three Counties,

which comprise the territory of the JPB, voting on the ballot measure, set forth in Section 3 below, vote in favor of the ballot measure; and

WHEREAS, as required by California Revenue and Taxation Code Section 7286.65(b), the following governing boards have granted their approval for the JPB to place the sales tax measure before the voters of the Counties:

- SMCTD Board of Directors on April 1, 2020,
- San Mateo County Board of Supervisors on May 5, 2020,
- Santa Clara County Board of Supervisors on August 4, 2020,
- SFMTA Board of Directors on August 5, 2020; and

WHEREAS, the VTA Board of Directors and San Francisco Board of Supervisors are expected to consider authorizing placement of the tax measure before the voters of the Counties at their meetings later today, August 6, 2020, and tomorrow, August 7, 2020, respectively; and

WHEREAS, the tax measure is a district measure governed by the California Elections Code, Division 9, Chapter 4, Section 9300, et seq.; and

WHEREAS, the three Counties will be conducting a statewide general election on November 3, 2020; and

WHEREAS, it is in the best interest of the JPB to consolidate the special election to submit the retail transactions and use tax to the voters for approval with the statewide general election to be conducted on November 3, 2020.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Peninsula Corridor Joint Powers Board as follows:

1. The Board of Directors hereby finds and determines that the recitals set forth above and incorporated herein by reference are true and correct.

2. Contingent upon the Board of Directors of the Santa Clara Valley Transportation Authority and Board of Supervisors of the City and County of San Francisco approving placement of the tax measure before the voters, a special

election is hereby ordered and called to be held on November 3, 2020 within the incorporated and unincorporated territory of the City and County of San Francisco, the County of San Mateo and the County of Santa Clara, for the purpose of submitting to the voters of the JPB, for their approval, a Resolution that has as its special purpose to authorize the JPB to impose a one-eighth of one percent (0.125%) retail transactions and use tax for a period of thirty (30) years to fund operating and capital expenses of the Caltrain rail service, and to support the operating and capital needs required to implement the Service Vision adopted by the Peninsula Corridor Joint Powers Board on October 3, 2019 as part of the Caltrain Business Plan.

3. The form of ballot measure as it is to appear on the ballot is as follows:

To preserve Caltrain service and support regional economic recovery, prevent traffic congestion, make Caltrain more affordable and accessible, reduce air pollution with cleaner and quieter electric trains, make travel times faster, and increase Caltrain frequency and capacity between Santa Clara, San Mateo and San Francisco	Yes	
counties, shall the Peninsula Corridor Joint Powers Board's resolution levying a 30-year one-eighth cent sales tax with oversight and audits, providing approximately \$100 million annually for Caltrain that the State cannot take away, be adopted?	No	

The JPB intends that the measure be referred to on the ballot as being proposed by the "Peninsula Corridor Joint Powers Board ('Caltrain')."

4. Pursuant to Part 3 (commencing with Section 10400) of the Elections Code of the State of California (Elections Code), the City and County of San Francisco, the County of San Mateo and the County of Santa Clara are hereby requested to consolidate the JPB's special election with the general elections to be held on November 3, 2020, which elections the Board of Directors hereby acknowledges will be held and conducted in the manner set forth in Section 10418 of the Elections Code.

5. The full text of the Resolution is herein incorporated by reference and the complete text of the Resolution shall be printed in the voter information that accompanies the official vote-by-mail ballot and in the appropriate sample ballot.

6. The JPB Secretary hereby is directed to forward a certified copy of this Resolution, together with any other agreements or documents that may be required to give effect to and carry out the purposes of this Resolution, to (i) the County of Santa Clara's Office of the Clerk of the Board of Supervisors and Registrar of Voters, (ii) the County of San Mateo's Office of the Assessor-County Clerk-Recorder & Chief Elections Officer and (iii) the City and County of San Francisco's Director of Elections and Clerk of the Board of the Board of Supervisors, (a) upon receiving notice that the VTA Board of Directors has taken action at its meeting today, August 6, 2020, to authorize placement of the tax measure before the voters of the Counties (with the understanding that the San Francisco Board of Supervisors will not yet have acted), and (b) not later than the 88th day prior to the election to be held on November 3, 2020.

7. Under California Elections Code Section 9313, and as the highest number of registered voters in the Counties is registered in the County of Santa Clara, the Santa Clara County Counsel's Office is hereby requested to prepare the impartial analysis of this tax measure for inclusion in the voter information pamphlet in the counties, to make the impartial analysis available for public review for ten days, and to submit the impartial analysis and available translations of that impartial analysis to the Department of Elections for each of the counties.

8. The Counties' Elections Officials are hereby requested to issue a notice of election, establish deadlines for election processes, and administer the election, and the Counties' respective Boards of Supervisors are requested to permit the Counties' Elections Officials to render such services.

9. The Executive Director of the JPB is hereby authorized to file a written argument and a rebuttal argument in favor of the ballot measure.

10. Costs of the services to be provided by the Counties to the JPB in connection with the consolidation of the special election pursuant to the applicable provisions of the Elections Code shall be reimbursed by the JPB.

11. This Resolution shall take effect immediately upon its adoption.

Regularly passed and adopted this 6th day of August, 2020 by the following vote:

AYES: Bruins, Chavez, Collins, Heminger, Stone, Walton, Zmuda, Davis, Pine

NOES: None

ABSENT: None



Chair, Peninsula Corridor Joint Powers Board

ATTEST:



JPB Secretary