RESOLUTION NO. 2010-12

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE TRANSPORTATION AUTHORITY OF MARIN CALLING AND PROVIDING FOR AN ELECTION ON NOVEMBER 2, 2010 TO IMPOSE AN ANNUAL FEE OF TEN DOLLARS ON MOTOR VEHICLES REGISTERED WITHIN MARIN COUNTY FOR THE PURPOSE OF PROVIDING TRANSPORTATION IMPROVEMENTS

WHEREAS, the Board of Commissioners of the Transportation Authority of Marin ("TAM"), a countywide transportation planning agency acting as the designated Marin County Congestion Management Agency deems it advisable to submit to the voters of Marin County, at an election to be held on November 2, 2010, a measure to impose an increase of Ten Dollars in the fees of motor vehicles registered in Marin County, for transportation-related projects and programs, pursuant to section 65089.20 of the Government Code and section 9250.4 of the Vehicle Code;

WHEREAS, the Transportation Authority of Marin conducted a public hearing on July 22nd, 2010, to consider this resolution;

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF TAM that the Ten Dollar vehicle registration fee (VRF) established by this Resolution known as the Marin County Transportation Improvement Measure ("Measure"), shall be submitted for a majority vote to registered voters within the County of Marin in the primary election to be held and conducted on November 2, 2010. The question submitted to the voters shall read substantially as follows:

"To help reduce traffic congestion, maintain roads, improve safety, and reduce air pollution by: maintaining local and residential streets and pathways; funding transportation options for seniors and disabled persons; funding local pothole repair; providing school crossing guards and providing safe access to schools; and, reducing commute trip congestion and supporting a cleaner environment; shall Marin County voters authorize a $10 fee on the registration of vehicles, with citizen's oversight, to be spent entirely within Marin County? "

AND BE IT FURTHER RESOLVED that the Marin County Board of Supervisors is hereby requested to consolidate this election with the statewide general election and any other elections to be held within Marin County on November 2, 2010, and that it include in its proclamation or notice of the election that Article 3 of Chapter 2 of Division 9 of the Elections Code relating to arguments concerning county measures applies, and the County Counsel is directed to prepare an impartial analysis; and

BE IT FURTHER RESOLVED that pursuant to the provisions of Elections Code Section 1002, the Marin County Clerk/ Registrar of Voters be, and hereby is, requested to publish such notice as may be required by law for the time and in the manner so required, and to place the same on the ballot at an election to be held throughout Marin County on November 2, 2010, rendering all services necessary for the conduct of the election, for which services TAM agrees to reimburse the County, regardless of whether the Measure passes; and

BE IT FURTHER RESOLVED that the Marin County Clerk/Registrar of Voters is requested to publish the ballot question and entire measure, including exhibits in the ballot materials; and

BE IT FURTHER RESOLVED that, pursuant to Elections Code section 10418, all proceedings related to, connected with, and incidental to the election shall be regulated and performed in accordance with the provisions of law regulating the statewide election; and

BE IT FURTHER RESOLVED that the Board of Commissioners of TAM hereby adopts the Marin County Vehicle Registration Fee Expenditure Plan and the Summary of Vehicle Registration Fee Findings of Benefit, attached as Appendix A, allocating the revenue to transportation-related programs and projects that have a relationship or benefit to the persons who pay the fee, and that an Expenditure Plan summary be attached to the Measure when submitted to the voters; and

BE IT FURTHER RESOLVED that, based on the Marin County Vehicle Registration Fee Expenditure Plan ("Expenditure Plan") presented to the Board of Commissioners on July 22nd, 2010, a copy of which is attached hereto as Appendix A, the Board of Commissioners of TAM adopts a finding of fact that the projects and programs to be funded by the fee increase as contained in the attached Expenditure Plan have a relationship or benefit to the persons who will be paying the fee, as more fully set forth in the adopted Summary of Vehicle Registration Fee Findings of Benefit, and further finds that the projects and programs are consistent with the regional transportation plan adopted pursuant to Government Code section 65080; and

BE IT FURTHER RESOLVED that the annual Ten Dollar VRF established herein shall apply to the original vehicle registration occurring on or after six months following the adoption of the measure by the voters and to a renewal of registration with an expiration date on or after that six-month period; and

BE IT FURTHER RESOLVED that the Board of Commissioners of TAM hereby adopts the attached measure as Appendix B; and

BE IT FURTHER RESOLVED that, upon passage of the Measure, TAM shall contract with the Department of Motor Vehicles to collect the fee imposed by the Measure; and

BE IT FURTHER RESOLVED that this Resolution shall be effective, if approved by majority vote, at 8:01 p.m. on November 2nd, 2010; and

BE IT FURTHER RESOLVED that the proceeds from the VRF shall be managed by TAM and shall be applied only to the specific purposes identified in the Expenditure Plan; and

BE IT FURTHER RESOLVED that not more than 5% of the fees distributed to TAM shall be used for administrative costs associated with the programs and projects; and

BE IT FURTHER RESOLVED that, if any part of this Resolution is held invalid the remainder of the Resolution shall not be effected; and

BE IT FURTHER RESOLVED that pursuant to Government Code Section 50077.5 and Code of Civil Procedure Section 860, any judicial action or proceeding to attack, review, set aside, or annul this fee, if approved by the voters, shall be commenced within 60 days of the effective date of this Resolution.

PASSED AND ADOPTED at a regular meeting of the Transportation Authority of Marin held on this 22nd day of July, 2010, by the following vote:

AYES:	Commissioners:	Adams, Arnold, Boro, Brown, Fredericks, Furst, Hunter, Kellner, Kinsey, Lundstrom, McGlashan, Moulton-Peters, Thornton (Alternate)
NOES:	Commissioners:	Pfeifer
ABSENT:	Commissioners:	Donnell, Tremaine

Steve Kinsey, Chair
Transportation Authority of Marin

ATTEST:

Dianne Steinhauser
Executive Director