

AGENDA ITEM: 5-A**PREPARED BY:** Patricia Taylor, Executive Director**SUBJECT:**

Resolution supplementing the request for the County to call the election and extend the term of the Authority and conditionally requesting withdrawal of the Measure T renewal from the ballot upon certain specified conditions – Resolution 2024-03

Enclosure: Yes

Action: Approve Resolution 2024-03, supplementing the request for the County to call the election and extend the term of the Authority and conditionally requesting withdrawal of the Measure T renewal from the ballot upon certain specified conditions

SUMMARY:

On June 12, 2024, pursuant to Resolution 2024-01 (Extension Resolution), the Authority Board of Directors (Authority) requested that the County extend the term of the Authority for at least another 20 years to include the renewal and subsequent renewals or increases of the transaction and use tax. Also included in the Extension Resolution was the Measure T 2024 Renewal Expenditure Plan.

At the Madera County Transportation Authority Board of Director's meeting on June 19, 2024, the Authority approved Resolution No. 2024-02. Resolution 2024-02 (Request Resolution) requested that the Madera County Board of Supervisors to call and order a special election to be held and consolidated with the statewide general election on Tuesday, November 5, 2024, for the purpose of submitting to the voters of the County of Madera the ordinance attached thereto, which Request Resolution, including the ordinance is attached as Exhibit "A" and by this reference incorporated herein (the "Measure"). The Measure was to renew Measure T for 20-years, starting in 2027. Pursuant to the Request Resolution, the County of Madera is proposing to take action to call the election for the Measure T renewal on July 16, 2024.

On July 2, 2024, the County Board of Supervisors received and reviewed a presentation by the County Clerk-Recorder & Registrar of Voters regarding an Initiative Measure to renew the existing Sales Tax of One-Half Cent for Local Transportation Funding for 20-years. During the presentation, the County Clerk, Rebecca Martinez, indicated that she had certified the number of signatures on the initiative petition as being above the threshold 10% of the registered voters voting in the last gubernatorial election.

The text of the initiative is similar to the Measure T 2024 Renewal as it also creates a One-Half Cent for Local Transportation Funding purposes with a similar expenditure plan. The MCTA staff is concerned about voter confusion which may arise due to having two similar measures on the ballot.

Pursuant to Elections Code Section 9118.5, the proponent of an initiative may withdraw the initiative at any time before August 9, 2024 (88 days prior to the election) whether or not the petition has already been found sufficient by the election's official. Therefore, to avoid voter confusion, MCTA staff recommends to conditionally withdraw its request pursuant to the Request Resolution for an election by the County on the Measure T Renewal on the condition that the Initiative Measure goes forward on the ballot for the election and is not withdrawn by the proponents thereof by August 9, 2024. The Authority requests that any term extension pursuant to Resolution No. 2024-01 include the term of any initiative administered by the Authority and/or the county, including the Initiative Measure.

The MCTA staff recommends the Madera County 2006 Transportation Authority Board of Directors approve Resolution 2024-03:

- The Authority supplements its request to the Request Resolution such that the Madera County Board of Supervisors condition its call of election on the Measure T Renewal on the ballot pursuant to the Request Resolution on there being no Initiative Measure on the ballot by or on August 9, 2024. If the Initiative Measure is on the ballot and not withdrawn by or on August 9, 2024 (or the latest time it can be removed), by its proponents, the Request Resolution is automatically rescinded, and the Measure T Renewal is automatically removed from the ballot. The Authority requests that the County Board of Supervisors extend the term of the Authority for at least another 20 years to include the renewal and subsequent renewals or increases of the transaction and use tax, pursuant to the Extension Resolution, and that such extension shall be supplemented to apply to the term of the Measure T Renewal and the Initiative Measure.
- Except as amended and supplemented by the Resolution, the Request Resolution and the Extension Resolution remain in full force and effect.

FISCAL IMPACT:

No fiscal impact to the approved 2024-25 Overall Work Program and Budget.