Exhibit 1 Context

Below are the return address and FPPC disclosure statement on a mass mailing issued by Respondent YES ON RM 3 – KEEPING THE BAY AREA MOVING campaign committee. Note that the return address is “353 Sacramento Street, 10th Floor, San Francisco, CA 94111,” the same physical address as Respondent BAY AREA COUNCIL and business office of Respondent JAMES WUNDERMAN, President and CEO of BAY AREA COUNCIL. “Keeping the Bay Area Moving” has long been used by MTC/BATA as a tagline or slogan for its FasTrak toll payment program, creating “business goodwill” or an intellectual property interest that has monetary value that was exploited by the YES ON RM3 committee. See Exhibits 21-23.
Paid for by Yes on Regional Measure 3—Keeping the Bay Area Moving, sponsored by Bay Area Civic Leadership Associations, committee major funding from Facebook, Kaiser Foundation Health Plan, and Nicholas Josefowitz.
TBWB Strategies of San Francisco is believed to have acted as common consultant to Respondent public entities MTC/BATA and Respondents YES ON RM3 campaign committee, BAY AREA CIVIC ORGANIZATIONS, BAY AREA COUNCIL and SILICON VALLEY LEADERSHIP GROUP, among others. This TBWB Strategies webpage and its sub-pages suggest that TBWB’s “approach”/business model includes conduct that is arguably illegal under the 1988 League of Women Voters court opinion and at least two California Attorney General opinions, 88 Ops.Cal.Atty.Gen. 46, 53 (2005) and Attorney General Opinion No. 13-304 (2016).


Exhibit 3 Context

The spoken words in the MTC/BATA Mark Jones video are not a fair presentation of facts of RM3 because they fail to disclose that passage of RM3 would cause increased bridge tolls. The male narrator is believed be Respondent MARK JONES, an employee, contractor or agent of Respondents MTC/BATA.

This transcript is derived from https://www.youtube.com/watch?v=Y0lY6aiv1f4

Exhibit 3 (below)

**Transcript of MTC/BATA/Mark Jones RM3 Video (2 minutes, 15 seconds)**

**Male narrator:** “Bridge tolls have long been used to finance new transportation projects needed to keep a growing Bay Area on the move.”

**Female narrator:** “In 1988 and again in 2004, Bay Area voters approved congestion relief plans through bridge tolls. Projects such as:”

**Male narrator:** “The new Carquinez and Benicia-Martinez bridges.”

**Female narrator:** “A fourth bore of the Caldecott Tunnel.”

**Male narrator:** “Widening Highway 4.”

**Female narrator:** “Widening the San Mateo-Hayward Bridge.”

**Male narrator:** “The launch of new ferry services.”

**Female narrator:** “New BART extensions.”

**Male narrator:** “Express bus service.”

**Female narrator:** “The soon-to-open Salesforce Transit Center.”

**Male narrator:** “And extending MUNI to Chinatown.”

**Female narrator:** “Fourteen years have passed since voters approved the Regional Measure 2 congestion relief plan.”

**Male narrator:** “In that same timeframe, the Bay Area economy has created almost half a million jobs. But new infrastructure hasn’t kept pace.”

**Female narrator:** “In 2018, voters will again decide on a new generation of congestion relief improvements through tolls. [Video Time: 1:00] RM3 includes:”

**Male narrator:** “Hundreds of new rail cars to expand the BART fleet.”

**Female narrator:** “Extending BART to downtown San Jose and Silicon Valley.”
Male narrator: “Extending Caltrain to downtown San Francisco.”
Female narrator: “New buses and light rail vehicles for MUNI.”
Male narrator: “New AC Transit rapid bus service.”
Female narrator: “Expanded ferry service with more frequent runs, more terminals and more boats.”
Male narrator: “Extending the popular new SMART train.”
Female narrator: “Better train service to and from Sacramento.”
Male narrator: “Planning and design of a new rail tube under the bay.”
Female narrator: “Highway improvements include: I-680, 80, Highway 12 in Solano County.”
Male narrator: “Interchange improvements in Contra Costa and Alameda counties.”
Female narrator: “Upgrades to the Dumbarton Bridge.”
Male narrator: “Rebuilding the 92/101 interchange.”
Female narrator: “Reducing congestion and increasing flood protection along Highway 37.”
Male narrator: “A direct freeway connection between 101 to the Richmond Bridge and traffic flow improvements to the westbound Richmond Bridge approach.”
Female narrator: “RM3 would include a hundred fifty million dollars for better bike and pedestrian access throughout the Bay Area.”
Male narrator: “June 5th voters will get their say on whether to invest in the future of Bay Area transportation.”
Exhibit 4A Context

MTC/BATA published the Mark Jones video on their official website on a special Regional Measure 3 webpage in under the “Advocate + Lead” section of the MTC/BATA website. This webpage was captured by the Internet Archive on June 5, 2018. See: https://web.archive.org/web/20180605020513/https://mtc.ca.gov/our-work/advocate-lead/regional-measure-3 Below is a computer screenshot. The video link was to https://www.youtube.com/watch?v=Y0lY6aiv1f4, the MTC/BATA/Mark Jones video.

Exhibit 4A (below)

Exhibit 4B Context    Note the “trapdoor” to the seventeen MTC/BATA-produced videos on the left side of this webpage. A close-up of the “trapdoor” is directly below (Exhibit 4B is below).
Exhibit 5 Context

AC Transit, a major beneficiary of the RM3 expenditure plan, prominently promoted the MTC/BATA/Mark Jones video on a special RM3 webpage: https://web.archive.org/web/20180605034402/http://www.actransit.org/rm3/ A computer screenshot of that webpage, captured on June 4, 2018, is below. The BART car image on that webpage linked to the MTC/BATA/Mark Jones video. As discussed supra, Complainants argue that the Mark Jones video is a campaign communication produced and distributed by MTC/BATA, yet no nowhere on AC Transit’s RM3 webpage or within the Mark Jones video is any disclosure of how produced and distributed it.

Exhibit 5 (below)
Exhibit 6 Context

The San Francisco County Transportation Authority, another major beneficiary of the RM3 expenditure plan, prominently placed the MTC/BATA/Mark Jones video on a special RM3 webpage:


Exhibit 6 (below)
Exhibit 7 Context

The Solano Transportation Authority, yet another major beneficiary of the RM3 expenditure plan, especially for highway projects, also created a special RM3 webpage that near its top included a link to the MTC/BATA/Jones video:


Below is a computer screenshot captured in the Internet Archive on June 5, 2018. The link to the MTC/BATA/Mark Jones video is through the “Watch MTC’s video” hyperlink to


Exhibit 7 (below)
Exhibit 8 Context

Screenshot made on June 4, 2018 of MTC BATA: Metropolitan Transportation Commission and Bay Area Toll Authority Facebook post of May 31, 2018 featuring the MTC/BATA/Mark Jones RM3 video. The Facebook post says, “Regional Measure 3 On June 5, voters in all nine Bay Area counties will decide on a $4.45 billion package of congestion relief projects known as Regional Measure 3. Watch this video to learn more.” This communication is not a fair presentation of the facts of RM3 because: (1) neither the text in the Facebook post nor the linked MTC/BATA/Mark Jones video discloses the fact that passage of RM3 would cause a bridge toll increase nor does it disclose the amount of the toll increase or the duration and (2) the image of the smiling man in the linked video is “argumentative” in that it suggests that RM3’s “package of congestion relief projects known as Regional Measure 3” would bring delight to the public.


Exhibit 8 (below)
Exhibit 9  Context

The day before the June 5, 2018 election, MTC/BATA also promoted the Mark Jones video as its “Featured Video” on its “THE BAY LINK” Facebook page:

https://www.facebook.com/pg/MTCBATA/videos/  Below is a screenshot captured on June 4, 2018. Respondent MTC/BATA did not engage in a fair presentation of facts concerning RM3 because neither this Facebook page post nor the video itself disclosed that a toll increase would be imposed if voters passed RM3.

Exhibit 9 (below)
Exhibits 10A and 10B Context

Exhibits 10A and 10B are computer screenshots of the MTC “Box” that was reached through the Exhibit 4B “trapdoor” link in the Exhibit 4A webpage. Exhibit 4B links to this MTC “box”: https://mtcdrive.app.box.com/s/bd0761nw2prl71mt7c4n63k6mwyj14z

The MTC “Box” says along its right side, “Owner Peter Beeler   Enterprise Owner Metropolitan Transportation Commission Created Jan 23, 2018, 1:48 PM Modified Jan 23, 2018, 1:51 PM Size  1.4 GB”. The webpage has the Metropolitan Transportation Commission logo at its top left. This MTC “Box” consists of links to download seventeen different video clips, all in .mov file format, ranging in size from 6.4 MB to 229.7 MB. All seventeen video clips were “Updated Jan 23, 2018 by Peter Beeler.”

Exhibit 10A (below)
Exhibit 10B (below)
Exhibits 11A, 11B and 11C Context

Selected screenshots of some of the seventeen video clips in the MTC “Box” (Exhibits 10A and 10B).

Exhibit 11A (below): BART_to_San_Jose.mov (captured on June 4, 2018)

https://mtcdrive.app.box.com/s/bd0761nw2prl71mt7c4n63k6mwyyj14z/file/268887204506
Exhibit 11B (below): BART.mov (captured on June 4, 2018)
https://mtcdrive.app.box.com/s/bd0761nw2prl71mt7c4n63k6mwyyj14z
Exhibit 11C (below): New_Northbound_101_to_580_Ramp.mov (captured on June 4, 2018)
https://mtcdrive.app.box.com/s/bd0761nw2prl71mt7c4n63k6mwyyj14z/file/268887287124
Exhibit 12 Context

News release from YES ON RM3 campaign committee announcing its launch, dated January 18, 2018. The Internet Archive captured the news release on PR Newswire on/about April 22, 2018:


Exhibit 12 (below)

Coalition Supporting Regional Measure 3 Assembles to Bring Infrastructure Improvements and Increased Transportation Capacity to the Bay Area

Bay Area Council, Silicon Valley Leadership Group, and SPUR leading the way forward

NEWS PROVIDED BY
Bay Area Council, Silicon Valley Leadership Group, and SPUR

Jan 18, 2018, 14:29 ET
SHARE THIS ARTICLE
SAN FRANCISCO, Jan. 18, 2018 /PRNewswire/ -- Today a coalition of leading planning, transportation, business, and labor organizations announced that they are actively supportive of Regional Measure 3 (RM3) and will lead the endeavor to bring necessary improvements to the Bay Area's transportation and infrastructure network, including traffic relief, BART expansion, and highway corridor improvements. The coalition including the Bay Area Council, Silicon Valley Leadership Group, and SPUR is dynamically engaged in working with the nine-county region to ensure communities have a promising transit future secured through the approval of RM3 by voters this June.

"We applaud and encourage the Metropolitan Transportation Commission's ongoing efforts to place RM3 on the June ballot. Traffic doesn't respect city or county boundaries. It's a regional problem requiring regional solutions. That's why we're excited that Bay Area residents will have an opportunity to vote for RM3, a measure funding large transportation improvements that will reduce traffic and expand transit choices along the most congested corridors in our region," said Silicon Valley Leadership Group CEO Carl Guardino, who's also a member of the CA Transportation Commission.

"Bay Area commuters battling record traffic are desperate for big investments in our transportation system that will bring meaningful relief," said Jim Wunderman, President and CEO of the Bay Area Council. "Regional Measure 3 will invest $4.5 billion to clear highway bottlenecks, expand and modernize BART, bus and ferry transit services, and dramatically improve connections between buses, trains and bikes. With the leadership of the Metropolitan Transportation Commission to place RM3 on the June ballot, voters will have the power to put traffic in our rearview mirror."

"Thanks to the MTC's commitment to solving the Bay Area's growing congestion problems and its work with the state legislature to authorize RM3, we now have the opportunity to make a significant impact on the future of transportation and infrastructure in the Bay Area," reiterated SPUR President and CEO Gabriel Metcalf. "The revenues from the proposed toll increase will be used to finance significant improvements for our region and communities."

The Coalition:

The Bay Area Council represents more than 275 of the largest employers in the region as the region's voice of business and is a public policy advocacy organization for the nine-county Bay Area. The Council seeks to proactively advocate for a strong economy, a vital business environment, and a better quality of life for community members.

The Silicon Valley Leadership Group represents more than 370 of Silicon Valley's most respected employers on issues, programs and campaigns that affect the economic health and quality of life in
Silicon Valley, including education, energy, environment, health, housing, tax policies, tech and innovation, and transportation.

The **San Francisco Bay Area Planning and Urban Research Association (SPUR)** is a respected civic planning organization known for their holistic approach to urban issues and developing solutions to the big problems Bay Area cities face.

Each of these organizations has consistently been involved in regional transportation initiatives and local programs that improve the quality of life for those that live and work in the Bay Area. The coalition is dedicated to continuing to support such initiatives with their joint partnership and by working with communities, transportation agencies, and employers to move the region forward with the passage of RM3.

To assist in carrying out an impactful effort to pass RM3, the coalition has selected a seasoned campaign team, who recently ran the successful nine-county Measure AA campaign. Measure AA was a ballot initiative to restore wetlands throughout the Bay Area generating $500 million over 20 years for critical tidal marsh restoration projects around the Bay Area.

This seasoned campaign team led by TBWB Strategies and Barry Barnes includes strategic partners Jessica Reynolds of Reynolds Strategies, Annie Eagan of Annie Eagan Consulting, Dan Kully of Kully Struble, and Adam Alberti of Singer Associates, Inc. The team's vast experience and recent success with Measure AA will support the coalition in leading a compelling RM3 campaign that will have high returns for the nine-county region.

The nine-county region of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano and Sonoma will need a majority of voters to approve RM3 to support the crucial and practical highway and transit improvements.

The funds as a result of RM3 will be used for multiple and diverse projects from ferry service expansion to increased BART capacity to valuable upgrades in transportation corridors that will relieve congestion.

Contact: Adam Alberti  
Phone: 415.227.9700  
Email: adam@singersf.com

SOURCE Bay Area Council, Silicon Valley Leadership Group, and SPUR
Exhibit 13 Context

Yes on RM3 Engineer TV Spot: MTC/BATA “BART to San Jose” Video Appears at 0:18-0:20

The “Yes on RM3 Engineer” TV spot is known to have aired many times on San Francisco Bay Area broadcast television and as a Facebook video ad in the weeks leading up to the RM3 election on June 5, 2018. Respondent KULLY HALL, L.L.C. (d/b/a/ Kully Struble) apparently was its creator. It featured Respondent GARY HSUEH, identified during the spot as a “Senior Transportation Planner.” Respondent GARY HSUEH narrated the entire 30-second spot. Respondent TBWB placed this ad on the internet platform Vimeo at https://vimeo.com/325940256.

A computer screen shot of this webpage is below. The video is titled “Regional Measure 3: Engineer.” The video description reads, “30 second TV buy for RM3 featured Gary the Senior Transportation Planner. RM3 passed with 55% of the vote in the nine-county Bay Area in June 2018 and TBWB ran a campaign coalition of consultants, business organizations, elected officials and more. Creator: Kully Struble”.

Exhibit 13 (below)
Exhibits 14A and 14B Context

Facebook Political Ad Archive webpage concerning placement of YES ON RM3 Engineer thirty-second spot on Facebook. Exhibit 14A is the top of webpage and Exhibit 14B is the bottom.

See: https://www.facebook.com/ads/library/?active_status=all&ad_type=political_and_issue_ads&country=US&q=Yes%20on%20Regional%20Measure%203&view_all_page_id=1920776378240544 Video link is to: https://video-sjc3-1.xx.fbcdn.net/v/t42.9040-2/33156404_211649856285712_7249749240522473472_n.mp4?_nc_cat=101&_nc_ht=video-sjc3-1.xx&oh=406e88c820d6a52a4cdbddaca105eceb&oe=5CF5E854 (RM3 Engineer spot ad).

Exhibit 14A (below):
Exhibit 14B (below)
Exhibit 15: Comparison of MTC “BART to San Jose.mov” Clip & Yes on RM3 Engineer TV Spot

Evidence of illegal coordination between MTC/BATA and Yes on RM3 committee.
https://mtcdrive.app.box.com/s/bd0761nw2prl71mt7c4n63k6mwyyj14z/file/268887204506 (at :08)
https://vimeo.com/325940256 (at :20)

Above: MTC’s “BART_to_San_Jose.mov” (at :08); Below: Yes on RM3 Engineer TV spot (at :20)
Exhibit 16: Comparison: MTC’s “BART.mov” vs. Yes-RM3 Alameda County Spot
https://mtcdrive.app.box.com/s/bd0761nw2prl71mt7c4n63k6mwyyj14z/file/268887292370 (at :07)
https://youtu.be/67YhyuGZhWc (at :14)

Above: MTC’s “BART.mov” (at :07); Below: Yes on RM3 Alameda County spot (at :14)

EXHIBITS TO FPPC COMPLAINT: 2018 S.F. BAY AREA REGIONAL MEASURE 3: MTC/BATA, ET AL.
Exhibit 17: Comparison: MTC’s “101 to 580 Ramp.mov” vs. Yes on RM3 Solano County Spot

https://mtcdrive.app.box.com/s/bd0761nw2prl71mt7c4n63k6mwyj14z/file/268887287124 (at :05)
https://youtu.be/yHCDfEPUdYg (at :22)
Exhibit 18: Comparison: MTC’s “Marin Sonoma Narrows.mov” vs. Guardino Five-Minute Video

https://mtcdrive.app.box.com/s/bd0761nw2prl71mt7c4n63k6mwyyj14z/file/268887225330 (at :09)
https://www.youtube.com/watch?v=U4w2fd62MSE (at 1:31)

Above: MTC’s “Narrows.mov” (at :09); Below: SVLG/Guardino Five-Minute Video (at 1:31)
Exhibits 19A & 19B Context


EXHIBITS TO FPPC COMPLAINT: 2018 S.F. BAY AREA REGIONAL MEASURE 3: MTC/BATA, ET AL.

Exhibit 19A (below)

Exhibit 19B (below)
Exhibits 20A & 20B  Context


Exhibit 21 Context

For many years, Respondent MTC/BATA used the “Keeping the Bay Area Moving” as the slogan/tagline for its FasTrak program, its electronic toll payment system. Bay Area motorists became familiar with the “FASTRAK Keeping the Bay Area Moving” logo on FasTrak mailings, including invoices and toll evasion notices.

Exhibit 21 (below)
Exhibit 22 Context

For many years, Respondent MTC/BATA used the “Keeping the Bay Area Moving” as the slogan/tagline for its FasTrak program, its electronic toll payment system. Visitors to the FasTrak Customer Service Center were greeted for many years by a large sign that said, “FASTRAK KEEPING THE BAY AREA MOVING.”

Exhibit 22 (below)
Exhibit 23  Context

A Google search on Monday, June 4, 2018 (eve of RM3 Election Day) on the term “keeping the bay area moving” yielded links to www.bayareatrastrak.org (“FasTrak® - Keeping the Bay Area Moving”) as its top responses. It did not return a link to the “Yes on RM3 – Keeping the Bay Area Moving” campaign committee website.

Exhibit 23 (below)
Exhibit 24 Context

Photograph of AC Transit’s RM3 advertisement taken inside of an AC Transit bus in mid-2018.

Exhibit 24 (below)