

MINUTES OF REGULAR MEETING - August 24, 1982

Mayor Buckle convened the meeting with Councilmembers Toal, Capurro, Wooliever and Ollinger present.

2. OPEN TIME FOR PUBLIC DISCUSSION

Dewey Watson, Attorney representing the owners of 20 Allyn Ave., the subject of the agendaed Item #9 nuisance abatement hearing, advised Council that they were willing to stipulate that the subject dwelling is a public nuisance and that the owners are diligently pursuing funds to contract for its demolition, which is expected to be accomplished within 30 days, requesting a continuance to the September 28th meeting, by which time they hoped to have abatement completed.

M/S Toal, Wooliever to continue public hearing to September 28th. Ayes all

Thereafter, adjacent property owners expressed concern at this timing in view of the potential for damage to their property if the building is not removed before commencement of the rainy season.

M/S Toal, Wooliever to rescind the previous motion. Ayes all.

In order to receive input from the objecting property owners and allow full Council consideration, this item was continued to its scheduled place on this meeting's agenda.

3. APPOINTMENTS

There was no volunteer to attend the League of California Cities Annual Conference to act as San Anselmo's voting delegate.

4. ADMINISTRATOR RECOMMENDING AUTHORIZE STEPS TOWARD SALE OF THREE TOWN-OWNED SURPLUS PARCELS

Ken Meyer, a member of the Open Space Committee, reminded Council of the Committee's recommendation that proceeds from the sale of these parcels go into an Open Space Acquisition Fund.

M/S Capurro, Wooliever to authorize staff to commence preliminary steps toward sale of surplus parcels (A/P 7-021-23 on Forest Ave., A/P 177-251-43 on Indian Rock Ct. and A/P 7-031-01 on Summit Road) including fee appraisal, with incidental costs to be covered from reserve for contingencies, returned thereto from sale proceeds. Motion passed on a 4 - 1 vote, with Toal voting No on the basis that he does not approve of attempting to solve fiscal problems in this way.

5. CONSIDERATION OF PENSION OVERRIDE TAX

The Administrator submitted financial reports projecting a deficit of over \$200,000 in the 82-83 adopted budget, recommending partial use of the pension override to balance the budget.

There was strong support of the principle of such an assessment to balance the adopted budget and prevent drastic cuts in existing services by representatives of the community present.

M/S Wooliever, Ollinger to adopt resolution setting 1982-83 pension override tax requirement in the sum of \$200,000. Motion failed on a 2 - 3 vote, with Toal, Capurro and Buckle voting No.

Buckle's No vote was based on his position that the adopted budget should have been balanced at the outset.

6. CONSIDERATION OF REENACTMENT OF MEASURE 0

In view of the failure of the motion to adopt the pension override tax, and upon the Town Attorney's advice that in view of recent Supreme Court decision and State legislation, the Council has the legal authority to do so, consideration proceeded on the possibility of enacting the provisions of Measure 0 as a means of generating the necessary revenue. Particular note was given to the fact that Measure 0 was supported by a majority of San Anselmo voters.

M/S Wooliever, Toal to waive reading of ordinance. Motion passed by unanimous vote.

Council was advised that under the provisions of Section 8-5.01(c) of the proposed ordinance, it would be necessary to use the pension override before using the tax assessment method provided for in Section 8-5.03, and that Section 8-5.07 should be deleted as being outside of the Council's authority to ordain and which has already been approved by a majority vote of the electorate.

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M/S Toal, Wooliever to adopt an ordinance providing for a municipal services tax, amended to delete from Section 8-5.01(c) the words: "after comprehensive effort to maximize said revenues within legal limit", and the deletion of the provisions of Section 8-5.07. Motion failed on a 1 - 4 vote, with only Toal voting Aye.

Thereafter, M/S Wooliever, Ollinger to adopt ordinance providing for municipal services tax as presented, with the present Section 8-5.07 deleted and the following substituted: "Collections and expenditures of any pension tax override proceeds shall be administered in the same manner as all other taxes collected pursuant to this ordinance."

Toal indicated leaning towards approving some kind of a tax, but was concerned that the proposed pension override tax did not allow for consideration of ability to pay as covered in Section 8-5.04 of the proposed ordinance to reenact Measure 0.

Buckle suggested that he favored the mechanism of the proposed ordinance on the basis it contains a four-year sunset provision, whereas he feared the unlimited time element of the pension override. Attention was called to the fact that it would necessarily have to be considered and reenacted each fiscal year.

During discussion attention was given to the fact that a collection process under the mechanism of the proposed ordinance would be very cumbersome and expensive since it is too late to be included in the County's tax collection process this fiscal year, and in fact could entail a higher individual levy to realize the same net proceeds as the pension override tax, which at this point can be added to the 82-83 County property tax billing.

Thereafter, Wooliever and Ollinger withdrew the motion for adoption of ordinance providing for Municipal Services tax, and

M/S Toal, Wooliever to reconsider the pension override tax. Motion passed on a 4 - 1 vote, with Capurro voting no.

M/S Wooliever, Toal to adopt Resolution No. 1917 setting 1982-83 pension override tax for this fiscal year only at \$200,000 with incorporation therein of Section 4 of Resolution No. 1896 providing for the creation of a Tax Equity Board with the power to authorize rebates on ability to pay and equal treatment. Motion passed on a 4 - 1 vote with Capurro voting no.

Capurro questioned the legality of a motion to reconsider at the same meeting the action was taken. Town Attorney advised that the law did not prohibit this, but rather it could be adopted as a Council policy.

7. CONSIDERATION OF SAN ANSELMO POSITION ON FAIRFAX REQUEST TO REOPEN AND REDUCE ROSS VALLEY FIRE SERVICE BUDGET

Capurro had requested this item for discussion in order to give some direction to San Anselmo's representatives on the Ross Valley Fire Service Authority Board as to the position of the full Council. No consensus developed favorable to reducing the Fire Service Budget this fiscal year.

8. CONSIDERATION OF ADVISORY BALLOT MEASURE MARCH 8, 1983 FOR FUTURE GUIDANCE OF COUNCIL

Having requested this item on the agenda, Capurro withdrew his request in view of the majority position of the Council developed during discussion of additional tax levy.

9. PUBLIC HEARING - NUISANCE ABATEMENT, HAZARDOUS DWELLING, 20 ALLYN AVE.

Continued from earlier in the meeting. The property owner and his attorney having left the meeting, Council heard from neighboring residents on concerns that removal of this dwelling has been and will continue to be stalled, creating a dangerous situation for surrounding properties if this is not accomplished prior to the start of the rainy season.

Public hearing was continued to September 14th and staff was directed to so inform the property owner and that by the time of the hearing unless a contract had been entered into calling for demolition by no later than September 30th, Council will proceed on the nuisance abatement procedure.

10. CONSIDERATION OF PROPOSAL FOR PROPERTY EXCHANGE KITE HILL AREA

Frederick Peterson, attorney for Noman Litt, sought Council's preliminary reaction to a proposal to provide funds to purchase the MMWD surplus tank lot on Kite Hill in exchange for the issuance of a Certificate of Compliance on surrounding property owned by Mr. Litt. Council deferred pending recommendation from the Open Space Committee.

11. COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS, COMMENTS AND DIRECTIONS TO STAFF

Toal requested an item on the next agenda for consideration of change in San Anselmo's General Municipal election date. Advised that it will be on next meeting agenda in accordance with a previous request from Buckle.

Capurro questioned the Mayor's objection to his going through the Administrator for addition of agenda items. Council consensus was that this prerogative should be retained by individual Councilmembers.

12. CONSENT AGENDA

M/S Toal, Wooliever to pass consent agenda. Ayes all

- a. Approved minutes of meeting of August 10, 1982.
- b. Approved warrant register for 8/1-15/82.
- c. Authorized call for bids for Library roof repair, as budgeted.
- d. Approved and authorized Mayor sign amendment of JPA, Major Crimes Task Force.
- e. Authorized Town Attorney join as amicus, Powers vs. San Rafael, at no cost to Town.
- f. Accepted Administrator's report on bazooka shell incident.
- g. Approved and authorized Mayor sign agreement with RVFS, Fairfax and PERS, authorizing merger of former PERS agreements with two Towns.

ADJOURNED at 1 o'clock A.M. to regular meeting September 14, 1982.

LIBBY HANSON
Secretary to Council