

RESOLUTION NO. 3341

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO
SUPPORTING INTRODUCTION AND ADOPTION OF A VALIDATING ACTION IN
RESPONSE TO SANTA CLARA LOCAL TRANSPORTATION AUTHORITY V.
GUARDINO

WHEREAS, the California Supreme Court recently issued a decision in the case of *Santa Clara County Local Transportation Authority v. Guardino*, the effect of which decision is to require voter approval for the imposition or increase of a general tax as set forth in Proposition 62 (Government Code Section 53273); and

WHEREAS, the *Guardino* decision reverses prior court decisions which previously found that voter-approval requirements of Proposition 62 were unconstitutional; and

WHEREAS, if the collection of new taxes or tax increases adopted by elected boards, subsequent to the effective date of Proposition 62 and prior to the effective date of the *Guardino* decision, is prohibited and/or, if retroactive refund of tax collection is mandated, then the Town of San Anselmo and a large number of other local governments will experience severe financial crises, necessitating major reductions in public safety and other vital public services, negating contractual commitments, and, quite possibly, leading to default on credit obligations, or, at the very least, substantially reducing the credit-worthiness of local governments and

WHEREAS, extensive costs, fiscal uncertainty, and a major threat to public services are certain to arise from retrospective application of the *Guardino* decision and from the confusion that will result if clear and timely policy direction is not forthcoming from the State in the aftermath of the announcement of the *Guardino* decision, thereby decimating services provided through the Town's general fund; and

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of San Anselmo as follows:

1. That State Senator Milton Marks and State Assemblymember Kerry Mazzoni are urged to actively support the passage of a validating act requiring that the *Guardino* decision only be applied prospectively; and
2. That such validating act be adopted as soon as possible; and
3. That the Town Clerk is directed to forward this resolution to Senator Marks and Assemblymember Mazzoni at the earliest date possible after its adoption and to distribute copies to the Board of Supervisors and the other cities within the county.

I hereby certify that the foregoing resolution was passed and adopted by the San Anselmo Town Council on the 12th day of March, 1996, by the following vote, to wit:

AYES: Breen, Chignell, Hodgens, Kroot, Yarish

NOES: (none)

ABSENT: (none)

ATTEST:

Debra Stutsman

Town Clerk

Town of San Anselmo

Peter Breen
Mayor

525 SAN ANSELMO AVENUE
SAN ANSELMO, CA 94960

(415) 258-4600 - FAX (415) 454-4683

Jeff Kroot
Vice-Mayor

Paul Chignell
Councilmember

Judith Hodgens
Councilmember

Tim Yarish
Councilmember

March 18, 1996

Cities and Towns of Marins
Marin County Board of Supervisors
League of California Cities

Subject: RESOLUTION IN SUPPORT OF STATE LEGISLATION IN
RESPONSE TO *Santa Clara County Local Transportation
Authority v. Guardino*

At its meeting of March 12, 1996, the San Anselmo Town Council
unanimously approved the attached resolution supporting
introduction and adoption of state legislation in response to Santa
Clara County Local Transportation Authority v. Guardino.

Sincerely,



Debra J. Stutsman
Town Clerk