RESOLUTION NO. 3737

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO CALLING AND GIVING NOTICE OF THE HOLDING OF AN ELECTION TO BE HELD NOVEMBER 8, 2005 AND REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN TO CONSOLIDATE SAID ELECTION; AND AUTHORIZE THE TOWN CLERK OR HER DULY AUTHORIZED OFFICERS AND AGENCY TO CARRY OUT ALL THE NECESSARY PROCEDURES FOR SAID ELECTION SUBMITTING TO THE VOTERS A SPECIAL MUNICIPAL SERVICES TAX FOR FOUR (4) YEARS TO THE QUALIFIED VOTERS OF THE TOWN AND SETTING THE BALLOT LANGUAGE.

Whereas, Article XIIIA, Section 4 of the California Constitution authorizes cities, by a two-thirds (2/3) vote of the qualified electors, to impose special taxes; and

Whereas, the Town Council desires to submit a proposition containing a ballot measure to adopt a special municipal services tax to be used exclusively for specified purposes to the qualified voters of the Town of San Anselmo at the Consolidated General District and School Election to be held in the Town on November 8, 2005; and

Whereas, it is desirable that the election be consolidated with the statewide election to be held on the same date and that within the Town, the precincts, polling places, and election officers of the two elections to be the same; and

Whereas, it is desirable that the County Election Department of County of Marin canvass the returns of the Consolidated General District and School Election and that the election be handled in all respects as if there were only one election.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

Section 1. That pursuant to the requirements of the laws of the State of California relating to General Law Cities, there is called and ordered to be held in the Town of San Anselmo, California, on Tuesday, November 8, 2005.

Section 2. That pursuant to the requirements of Section 10403 of the Elections Code, the Board of Supervisors of the County of Marin is hereby requested to consent and agree to the consolidation of said election.

Section 3. That the Town Council, pursuant to its rights and authority, does order submitted to the voters at the election the following question:
Shall an ordinance be adopted approving a special San Anselmo municipal services tax of $250 per year per living unit and per 1500 square feet of nonresidential use, for a period of four years, to be used to:

- Restore and maintain Police, Parks, and Library staffing and services,
- Maintain minimum staffing at San Anselmo fire stations,

Increasing the appropriations limit by the amount of said tax for the next four years and establishing a citizens’ oversight committee?

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<th>Yes</th>
<th>No</th>
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Section 4. The text of the proposed ordinance to be submitted to the voters is attached hereto as Exhibit A.

Section 5. Pursuant to Elections Code Section 9280, the Town Clerk shall transmit a copy of the measure to the Town Attorney who shall prepare an impartial analysis of the measure in accordance with said Section 9280. Arguments for and against said measure may be filed in accordance with applicable provisions of the law. Pursuant to Section 9285 of the Elections Code of the State of California, (the provisions of which are hereby adopted), when the clerk has selected the arguments for and against the measure which will be printed and distributed to the voters, the clerk shall send copies of the argument in favor of the measure to the authors of the argument against, and copies of the argument against to the authors of the argument in favor. The rebuttal arguments shall be filed with the Town Clerk not more than 10 days after the final date for filing direct arguments. Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut. The text of the measure shall be printed on the ballot in the voter information portion of the sample ballot.

Section 6. That the County Election Department is authorized to canvass the returns of said election. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used.

Section 7. That the Board of Supervisors is requested to issue instructions to the County Election Department to take any and all steps necessary for the holding of the consolidated election.

Section 8. That the Town Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions.

Section 9. That the polls for the election shall be open at 7:00 a.m. of the election and shall remain open continuously from that time until 8:00 p.m. of the same
day, when the polls shall be closed, except as provided in Section 14401 of the Elections Code of the State of California.

Section 10. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

Section 11. That notice of the time and place of holding the election is given and Town Clerk is authorized, instructed, and directed to give further or additional notice of the election, in time, form, and manner as required by law.

Section 12. That the Town Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the Election Department of the County of Marin.

I, the undersigned hereby certify that the foregoing is a full, true, and complete copy of a resolution duly passed and adopted by the Council of the Town of San Anselmo at a regular meeting thereof held on the 26th day of July, 2005 by the following vote:

AYES: Breen, Cooper, Kroot, Thornton
NOES: (NONE)
ABSENT: Chignell
ABSTAIN: (NONE)

Approved
Peter Breen, Mayor

ATTEST: Barbara Chambers, Town Clerk
TOWN OF SAN ANSELMO

ORDINANCE NO. ______

AN ORDINANCE OF THE PEOPLE OF THE TOWN OF SAN ANSELMO, CALIFORNIA, ADOPTING A SPECIAL MUNICIPAL SERVICES TAX BY ADDING A NEW CHAPTER 6 "SPECIAL MUNICIPAL SERVICES TAX" TO TITLE 8 OF THE SAN ANSELMO MUNICIPAL CODE

THE PEOPLE OF THE TOWN OF SAN ANSELMO DO ORDAIN AS FOLLOWS:

SECTION 1. ADDITIONS TO CODE. A new Chapter 6 entitled "Special Municipal Services Tax" is hereby added to the San Anselmo Municipal Code as follows:

8-6.01 Title

This chapter shall be known as the “Special Municipal Services Tax Law of the Town of San Anselmo.”

8-6.02 Necessity, Authority, and Purpose.
The Council hereby determines that the cost to maintain basic services at the level required to provide for the health, safety, and general welfare of the residents of the town exceeds the amount of funds and revenues generated from all other sources. The Council further determines that the levy of a special municipal services tax for a period of four years on improved real property throughout the town is necessary to maintain an adequate level of basic services. Accordingly, a tax is imposed by this chapter pursuant to Section 37100.5 of the Government Code of the State.

8-6.03 Tax imposed.
A special municipal services tax not exceeding the maximum amounts set forth in this section is hereby imposed effective July 1, 2006 and levied on all improved real property within the boundaries of the Town at the maximum flat rate of two hundred fifty and no/100ths ($250.00) Dollars per year per living unit and per 1,500 square feet of structure of nonresidential use, except that the tax derived from a nonresidential structure seventy-five (75%) percent or more occupied by a single enterprise or institution shall not exceed $3,000.

8-6.04 Levy by Council resolution
Prior to August 10 of each year, the Council by resolution shall determine and fix the precise amount of tax to be levied during the current fiscal year. Such tax shall not exceed the maximum amount set forth in Section 8-6.03 of this chapter.

EXHIBIT A
8-6.05 Increase Appropriations Limit
Constitution Article XIIIIB, the appropriations limit for the Town of San Anselmo will be increased one times the aggregate sum authorized to be levied as a special tax in each of the years covered by this ordinance.

8-6.06 Use of County Records.
The records of the County Assessor as of March 1 each year may be used to determine the actual use of each parcel of real property and, as applicable, the structural square feet for the purposes of determining the tax imposed by this chapter.

8-6.07 Personal Liability
The tax levied and imposed by this chapter shall be collected by the County Tax Collector at the same time as, and along with, the property taxes collected by the County Tax Collector; however, the tax shall not become a tax lien on the property against whose owner the tax is assessed. The owner of the property shall be personally liable for nonpayment of the tax.

8-6.07.1 Deposit and Use of Funds from Special Municipal Services Tax.
All proceeds from the taxes imposed and levied by this chapter shall be paid into the “Special Municipal Services Tax Fund” to be used exclusively to restore and maintain Police, Parks and Library staffing and services and to maintain minimum staffing at the San Anselmo Fire Stations.

8-6.07.2 Reporting
A Citizens’ Oversight Committee shall be established to monitor the annual expenditures from the special tax. The Finance & Administrative Services Director shall file a report with the Town Council no later than January 1 of each year, beginning in 2008, containing the amount of funds collected and expended and the status of any project to be funded by the special tax.

8-6.08 Partial invalidity
If any section, subsection, sentence, phrase, or clause of this chapter is for any reason held by any court to be invalid, such invalidity shall not affect the remaining portions of this chapter. The Council hereby declares that it would have adopted this chapter, and each section, subsection, sentence, phrase, or clause thereof, irrespective of the fact any one or more sections, subsections, sentences, phrases, or clauses be declared for any reason invalid.

8-6.09 Tax Equity Board
The Tax Equity Board established by resolution of the Council shall receive and act upon applications for full or partial rebates for persons claiming inability to pay the tax provided for in this chapter.
8-6.10 Exemptions
Improved property used exclusively for educational, hospital, scientific, charitable, or religious purposes owned and operated by institutions, foundations, or corporations organized and operated for educational, hospital, scientific, charitable, or religious purposes shall be granted an exemption to the tax imposed by this chapter on proof that any such organization has first qualified as an exempt organization under subsection (d) of Section 23701 of the Revenue and Taxation Code of the State and subsection (3) of subsection (c) of Section 501 of the Internal Revenue Code of 1954.

The exemption provided for by this section shall be effective from and after November 8, 2005.

8-6.11 Penalty for disclosure of information on applications for rebate of municipal service tax.
Any person disclosing the name of any person and any financial information obtained from an application for a rebate of a municipal service tax shall be guilty of an infraction.

SECTION 2. CURRENT CHAPTER 6. The current Chapter 6 “Claims and Suits for Refunds of Taxes, Fees, Assessments and Levies” is hereby renumbered Chapter 7.

SECTION 3. EFFECTIVE DATE. This Ordinance relates to the levying and collecting of the Town special municipal services tax and shall be in full force and effect ten (10) days after the certification by the Town Council of the election returns indicating passage of the Ordinance by two-thirds of the voters casting votes in the election. The special municipal services tax will be assessed beginning fiscal year 2006-07.

The foregoing Ordinance was approved by the voters of the Town of San Anselmo at the Consolidated General District and School Election held on the 8th day of November, 2005, by the following vote tally:

YES:  
NO:  

__________________________________________
Peter Breen, Mayor

ATTEST:

__________________________________________
Barbara Chambers, Town Clerk

EXHIBIT A