

RESOLUTION 19-13

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX CALLING FOR A SPECIAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 5, 2019, FOR THE PURPOSE OF SUBMITTING TO VOTERS A MEASURE AUTHORIZING THE CONTINUATION OF A SPECIAL TAX FOR POLICE AND FIRE SERVICES STAFFING, PUBLIC WORKS SAFETY IMPROVEMENTS, MATCH FUNDING FOR STATE AND FEDERAL PUBLIC WORKS GRANTS, AND YOUTH AND SENIOR PROGRAMS; REQUESTING THE MARIN COUNTY BOARD OF SUPERVISORS TO CONSOLIDATE WITH THE GENERAL ELECTION CONDUCTED ON THAT DATE; AND REQUESTING ELECTION SERVICES OF THE COUNTY ELECTIONS DEPARTMENT

WHEREAS, pursuant to California Elections Code §9222, the Town Council has authority to place measures on the ballot to be considered at a municipal election; and

WHEREAS, on November 4, 2014, the voters of the Town of Fairfax approved a special tax to maintain 24-hour, seven days per week staffing of Police and Fire Services, to perform Public Works safety improvements, to meet matching fund requirements needed to receive state and federal public works grants, and to revitalize youth programs; and

WHEREAS, the special tax is scheduled to expire on June 30, 2020; and

WHEREAS, the Town Council desires to hold a special municipal election to be consolidated with the general municipal election scheduled to be held on November 5, 2019; and

WHEREAS, at that election there shall be submitted to the qualified voters of the Town, the following question:

"Shall an ordinance be adopted approving an eleven-year extension of Fairfax's special municipal services tax of \$195 in the first year and increasing \$5 annually to a maximum of \$250 for each business occupancy and dwelling unit, raising approximately \$711,000 to \$912,500 annually, to:

**Keep our local Police Station open 24/7;
Maintain/enhance local Fire services and wildfire prevention efforts;
Fund Public Works/safety projects;
Maintain Youth/Senior programs;
Continue the Citizens Oversight Committee?"**

WHEREAS, if this measure receives approval by two-thirds of the voters voting thereon, the ordinance in the form attached hereto as Exhibit "A" shall be adopted; and

WHEREAS, pursuant to Section 10002 of the Elections Code, the Town may request the Board of Supervisors to permit the County Elections Department to render specified services to the Town relating to the conduct of the election on a reimbursable basis; and

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

1. Submission of Measure. Pursuant to Government Code, §53724 and any other applicable requirements of the laws of the State of California relating to general law cities, the Town Council, by a majority vote, hereby orders the ordinance attached hereto as Exhibit "A" and by this reference incorporated herein and made an operative part hereof, to be submitted to the voters of the Town at the general municipal election to be held on **Tuesday, November 5, 2019**.
2. The measure shall be presented and printed upon the ballot submitted to the voters in the manner and form set forth in this Section 2. On the ballot to be submitted to the qualified voters at the municipal election to be held on Tuesday, November 5, 2019, in addition to any other matters required by law, there shall be printed substantially the following ballot question:

<p>"Shall an ordinance be adopted approving an eleven-year extension of Fairfax's special municipal services tax of \$195 in the first year and increasing \$5 annually to a maximum of \$250 for each business occupancy and dwelling unit, raising approximately \$711,000 to \$912,500 annually, to:</p>	<p>YES</p>
<p>Keep our local Police Station open 24/7;</p>	
<p>Maintain/enhance local Fire services and wildfire prevention efforts;</p>	<p>NO</p>
<p>Fund Public Works/safety projects;</p>	
<p>Maintain Youth/Senior programs;</p>	
<p>Continue the Citizens Oversight Committee?"</p>	

3. Consolidation of Election. The Board of Supervisors of the County of Marin is hereby requested to consolidate said election with the general election to be conducted on the same day, as provided in Elections Code Sections 10400 *et seq.*
4. The Town of Fairfax recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for any such costs upon presentation of a reasonable detailed invoice as required by Elections Code Section 10002.
5. In all particulars not recited in this Resolution, the municipal election shall be held and conducted as provided by law for holding consolidated municipal elections. The Town Council hereby acknowledges that the consolidated election shall be held and conducted in the manner proscribed in Elections Code Section 10418.

6. The Board of Supervisors of the County of Marin is hereby requested to authorize the County Elections Department to render the following specified services for the Town of Fairfax relating to the conduct of the election to be held on November 5, 2019: Preparation of voter indexes; voter counting by precinct; verification of signatures; drayage and rental of polling places; printing of measures and arguments; printing of sample and official ballots; appointment and notification of election officers; mailing of sample ballots and polling place notification; provision of precinct supplies; training of precinct workers; processing of absentee ballots; central counting; canvass of votes cast.
7. Filing with County. The Town Clerk is hereby ordered and directed to file a certified copy of this resolution with the Board of Supervisors of the County of Marin no later than August 9, 2019.
8. Notice of Election. Notice of the time and place of holding the election is hereby given, and the 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, including notice pursuant to Elections Code Sections 12111.
9. Impartial Analysis. The Town Council hereby directs the Town Clerk to transmit a copy of the measure as set forth herein to the Town Attorney. The Town Attorney shall prepare an impartial analysis pursuant to California Elections Code §9280 and transmit such impartial analysis to the Town Clerk not later than end of business on August 16, 2019.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Fairfax on the 5th day of June 2019, by the following vote:

AYES: ACKERMAN, COLER, GODDARD, LACQUES, REED
NOES: None
ABSENT: None
ABSTAIN: None



BARBARA COLER, Mayor

ATTEST:



Michele Gardner, Town Clerk

EXHIBIT A

ORDINANCE NO. ____

**AN ORDINANCE OF THE TOWN OF FAIRFAX, CALIFORNIA,
AMENDING CHAPTER 3.20 OF THE FAIRFAX MUNICIPAL CODE AUTHORIZING THE
LEVY OF A SPECIAL TAX TO FINANCE MUNICIPAL SERVICES**

**THE PEOPLE OF THE TOWN OF FAIRFAX, CALIFORNIA DO HEREBY ORDAIN AS
FOLLOWS:**

Section 1: Section 3.20.020 of Chapter 3.20 of the Fairfax Municipal Code is hereby amended to read as follows:

§ 3.20.020 SPECIAL SERVICES TAX IMPOSED; RATE.

A special municipal services tax not exceeding the maximum amounts set forth in this section is imposed on all improved real property within the boundaries of the town:

(A) A special municipal services tax is levied and imposed upon improved residential property at a rate of \$195 in the first year and increasing \$5 annually to a maximum of \$250 per dwelling unit. As used herein the term "dwelling unit" means any building or portion thereof used and/or designed as a separate dwelling accommodation, with cooking, living and sleeping facilities.

(B) A special municipal services tax is levied and imposed upon improved business property at a rate of \$195 in the first year and increasing \$5 annually to a maximum of \$250 for each business occupancy. As used herein, the term "business occupancy" means any portion of a building or structure or other improved real property which is occupied or designed to be occupied by a separate business establishment required to be licensed as such pursuant to Title 5 of this code.

Section 2: Section 3.20.080 of Chapter 3.20 of the Fairfax Municipal Code is hereby amended to read as follows:

§ 3.20.080 TERMINATION OF PROVISIONS.

This chapter shall be null and void as of 12:00 midnight, June 30, 2031, and shall have no force and effect whatsoever after said time and date. Notwithstanding the previous sentence, § 3.20.060, relating to collection and enforcement of liens or obligations for the special tax previously levied hereunder, shall continue in effect until such time as the collection and enforcement procedures have been completed.

Section 3: The appropriations limit of the Town of Fairfax established under Article XIII B, Section 6 of the California Constitution shall be increased by the proceeds received from the special tax imposed by this ordinance. Any future increases in the appropriations limit shall be approved by a majority vote of the voters voting thereon.

Section 4: If any provision of this ordinance or the application thereof to any person or circumstances is held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any other provision or applications, and to this end the provisions of this ordinance are declared to be severable. The Town Council, and the electorate by referendum, do hereby declare that they would have adopted this ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases, parts or portions thereof, be declared invalid or unconstitutional.

Section 5: This ordinance shall be adopted and become effective only if approved by two-thirds of the voters voting thereon, at an election to be held on November 5, 2019.

Section 6: The Mayor is hereby authorized to attest to the adoption of this ordinance by signing where indicated below.

I hereby certify that the foregoing ordinance was PASSED, APPROVED AND ADOPTED by the people of the Town of Fairfax voting on the 5th day of November 2019.

By:

BARBARA COLER, Mayor

ATTEST:

Michele Gardner, Town Clerk