

RESOLUTION 22-51

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX CALLING FOR AND GIVING NOTICE OF THE HOLDING OF THE GENERAL MUNICIPAL ELECTION ON NOVEMBER 8, 2022 TO SUBMIT TO THE VOTERS OF THE TOWN A MEASURE TO AUTHORIZE RENEWAL OF AND AN INCREASE IN A SPECIAL PARCEL TAX FOR PARAMEDIC SERVICES, REQUESTING THAT THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN CONSOLIDATE SAID ELECTION WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE SAME DATE AND SETTING DEADLINES AND RULES FOR ARGUMENTS FOR AND AGAINST SAID MEASURE

WHEREAS, California Government Code Sections 50075 et. seq. and California Elections Code Sections 1000(e) and 9222 authorize the City Council to place a local special tax measure on the ballot for the General Municipal Election to be conducted on November 8, 2022; and

WHEREAS, The Ross Valley Paramedic Authority (RVPA) is an eight-member joint powers authority that was established in 1982 for the purpose of delivering fire department paramedic services in the Ross Valley region; and

WHEREAS, the Town of Fairfax primarily funds its contribution to the RVPA through a special parcel tax, which is currently collected at the annual rate of \$91.50; and

WHEREAS, Fairfax voters last voted to renew the current special tax at the November 6, 2018 General Municipal Election and the current special tax has a term of four years, expiring on June 30, 2023; and

WHEREAS, the Town of Fairfax desires to propose to Fairfax voters the renewal for an additional four years and an increase in the special tax in the amount specified herein for paramedic and emergency medical services in the Town, and to submit this special tax measure, as Ordinance No. _____, to the Town's voters at the November 8, 2022 election; and

WHEREAS, section 10403 of the California Elections Code provides that the Town Council may request the County of Marin Board of Supervisors to consolidate the General Municipal Election for the measure with the Statewide General Election so that the County may conduct the election on the Town's behalf on a reimbursable basis; and

WHEREAS, the Town desires that the election on the special tax measure be consolidated with the Statewide General Election to be held on the same date and that within the Town, the precincts, voting centers, ballot drop off boxes, and election officers of the two elections be the same; and

WHEREAS, it is desirable that the County Election Department of the County of Marin canvass the returns of the General Municipal Election and that the election be held in all respects as if there were only one election; and

WHEREAS, the City Council further desires to establish deadlines and rules for ballot arguments and rebuttals for and against the measure.

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

SECTION 1. Election Called. Pursuant to its right, power, and authority under the laws of the State of California and the Fairfax Municipal Code, there is hereby called and ordered to be held in the Town of Fairfax, California, on Tuesday, November 8, 2022, a General Municipal Election to submit to the voters Ordinance, continuing a special parcel tax for the provision of paramedic and/or emergency medical services. Ordinance is attached hereto as Exhibit A and incorporated herein by reference.

SECTION 2. Approval of Ordinance. The Town Council hereby approves Ordinance, the form thereof, and its submission to the voters of the Town at the November 8, 2022 election. Ordinance, hereby proposed pursuant to Articles XIII A and XIII C of the California Constitution, states the type of special tax, the rate and maximum amount of special tax, the specific limitations on the uses of the special tax, and the method of collection. The entire text of the Ordinance shall be made available to the public upon request.

SECTION 3. Ballot Question. The special parcel tax measure shall be submitted to the voters on the ballot in the form of the following question:

Town of Fairfax	
<i>To maintain 9-1-1 emergency response times and the number of on-duty paramedics to respond to accidents/medical emergencies, shall the measure continuing the paramedic services special tax for four years at an increased annual amount of \$94.50 per residence and per 1,500 square feet of non-residential floor area for fiscal years 2023-24, and thereafter increased \$3 per year up to \$103.50, generating approximately \$353,000 annually for local paramedic services be adopted?</i>	YES
	NO

SECTION 4. Effective Date of Ordinance. Should the Ordinance be approved by a two-thirds vote of the voters who vote on the measure, the Ordinance will go into effect ten days after the vote is declared by the Town Council.

SECTION 5. Impartial Analysis. The Town Attorney is hereby directed to prepare an impartial analysis of the ballot measure pursuant to Elections Code Section 9280, showing the

effect of the measure on the existing law and the operation of the measure. The impartial analysis shall be filed by August 22, 2022.

SECTION 6. Ballot Argument. Pursuant to Article 4, Chapter 3, Division 9 of the Elections Code, Councilmembers Goddard and Cutrano are hereby authorized, on behalf of the Town Council, to select three community members to sign the argument. The deadline for filing arguments for and against the ballot measure with the Town Clerk shall be Friday, August 19, 2022. The arguments may be changed or withdrawn until and including that date.

SECTION 7. Rebuttal Argument. The Town Council hereby adopts Elections Code Section 9285(a), permitting the filing of rebuttal arguments. When the Town Clerk has selected the arguments for and against the ballot measure, which will be printed and distributed to the voters, the Town 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. Rebuttal arguments shall be filed with the Town Clerk by Monday, August 29, 2022 and shall not exceed 250 words in length.

SECTION 8. Ballot Format. The ballots to be used at the election shall be in the same form and content as required by law.

SECTION 9. Requesting the Consolidation of Elections. Pursuant to Elections Code Section 10403, the Board of Supervisors of the County of Marin is hereby requested to consolidate the General Municipal Election on Tuesday, November 8, 2022, provide all services necessary for this election, and print ballots including the ballot measure set forth herein, provided that no person not a qualified elector of the Town of Fairfax shall be permitted to vote for the ballot measure. Within the Town of Fairfax, the election precincts, voting centers, ballot drop-off boxes and other voting facilities shall in every case be the same as those selected and designated by the County of Marin Registrar of Voters. The Town of Fairfax agrees to reimburse the County of Marin for costs incurred by reason of this consolidation.

SECTION 10. Notice to County of Marin. The Town Clerk shall file a certified copy of this Resolution with the Board of Supervisors of the County of Marin and the Registrar of the County of Marin, pursuant to Elections Code Section 10403.

SECTION 11. Notice of Election. The Town Clerk is authorized and directed to give notice of the election as required by law. In accordance with Section 12111 of the Elections Code and Section 6061 of the Government Code, the Town Clerk shall cause notice of the ballot measure to be posted in three public places in the Town of Fairfax which places are designated for that purpose:

1. Bulletin Board, Town Hall offices, located at 142 Bolinas Road, Fairfax;
2. Bulletin Board, Fairfax Post Office, located at 773 Center Boulevard, Fairfax; and
3. Bulletin Board, Fairfax Women's Club building, located at 46 Park Road, Fairfax.

The Town Clerk may request that the County of Marin Elections Department prepare and publish the required notice.

SECTION 12. Times and Methods of Voting. That the precincts, ballot drop box locations and hours of operations, vote center locations and hours of operations, vote-by-mail procedures and timing, the election officers, and all other persons and procedures for the General Municipal Election shall be the same as those utilized by the County of Marin; and

SECTION 13. Other Procedures. In all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 14. Certification. The Town Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

SECTION 15. Severability. If any section, subsection, sentence, clause, phrase or portion of this Resolution or its application to any person or circumstance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution or its application to other persons and circumstances. The Town Council of the Town of Fairfax hereby declares that it would have adopted this Resolution and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional and, to that end, the provisions hereof are hereby declared to be severable.

SECTION 16. Compliance with the California Environmental Quality Act. The adoption of this Resolution is exempt from the California Environmental Quality Act (Public Resources Code §§ 21000 et seq. ("CEQA") and 14 Cal. Code Reg. §§ 15000 et seq. ("CEQA Guidelines"). The calling and noticing of a General Municipal Election is not a project within the meaning of CEQA Guidelines section 15378, subsection (b)(3).

The foregoing Resolution was duly introduced and adopted at a Regular Meeting of the Town Council of the Town of Fairfax on the 6th day of July 2022 by the following vote, to wit:

AYES: ACKERMAN, COLER, CUTRANO, GODDARD, HELLMAN
NOES: None
ABSENT: None



Stephanie Hellman, Mayor

Attest: 

Town Clerk Michele Gardner

ORDINANCE NO. _____

**AN ORDINANCE OF THE PEOPLE OF THE TOWN OF FAIRFAX
IMPOSING AND EXTENDING A SPECIAL PARCEL TAX FOR PARAMEDIC AND/OR
EMERGENCY MEDICAL SERVICES**

The People of the Town of Fairfax do ordain as follows:

SECTION 1. A new Chapter 3.44 is hereby added to the Town of Fairfax Municipal Code, to read in full as follows:

"CHAPTER 3.44: PARAMEDIC AND/OR EMERGENCY MEDICAL SERVICES TAX

Section

3.44.010	Findings; statement of purpose
3.44.020	Definitions
3.44.030	Tax imposed
3.44.040	Use of tax proceeds; appropriations limit
3.44.050	Method of collection; accountability report
3.44.060	Delinquency; refunds
3.44.070	Amendment of chapter
3.44.080	Severability
3.44.090	Two-thirds voter approval; effective date
3.44.100	Sunset provision
3.44.110	Execution

§ 3.44.010 FINDINGS; STATEMENT OF PURPOSE.

It is the sole purpose and intent of this chapter, pursuant to Articles XIII A and XIII C of the California Constitution, to impose a special parcel tax on residential and nonresidential property within the Town of Fairfax, the proceeds of which shall be used exclusively to fund paramedic and/or emergency medical services. This parcel tax is neither an ad valorem tax on real property nor a transaction or sales tax on the sale of property. It is a special tax and requires two-thirds voter approval.

§ 3.44.020 DEFINITIONS.

The definitions given in this section shall govern the construction of this chapter.

(A) Floor area. "Floor area" means the total area of all floors in all buildings, including accessory structures, on a lot, as measured to the outside surface of exterior walls or to the centerline of common walls. "Floor area" excludes any crawl space, basement area, attic without floor, and any open porch, deck, balcony or terrace.

EXHIBIT A

(B) Nonresidential Use. "Nonresidential use" means any building which is zoned, designed, intended, or used for any purpose other than a residential use, including, but not limited to, commercial, industrial, and office uses. A hotel, motel, and all residential units contained therein, as defined below, shall be treated as a nonresidential use.

(C) Residential Unit. "Residential unit" means any building, or portion thereof, containing one or more rooms, a separate bathroom, and a single kitchen, designed for or occupied by one family or by one or more individuals. This shall include all residential units in those areas designated as residential zones by section 17.012.010 of this Code.

§ 3.44.030 TAX IMPOSED.

A special tax for the purpose outlined in Section 3.44.040 shall be imposed on nonresidential uses and on residential units in the amount specified below for each fiscal year from 2023 to 2027:

(A) Nonresidential Uses. For each 1,500 square feet of floor area of nonresidential uses, the tax amount shall be:

- (1) \$94.50 for fiscal year 2023-2024;
- (2) \$97.50 for fiscal year 2024-2025;
- (3) \$100.50 for fiscal year 2025-2026; and
- (4) \$103.50 for fiscal year 2026-2027.

(B) Residential Units. For each residential unit, the tax amount shall be:

- (1) \$94.50 for fiscal year 2023-2024;
- (2) \$97.50 for fiscal year 2024-2025;
- (3) \$100.50 for fiscal year 2025-2026; and
- (4) \$103.50 for fiscal year 2026-2027.

§ 3.44.040 USE OF TAX PROCEEDS; APPROPRIATIONS LIMIT.

(A) The proceeds of the special tax imposed by this chapter shall be deposited into a special fund in the Town treasury and used specifically and solely for the purpose of providing paramedic and/or emergency medical services. This limitation on the use of the proceeds shall be legally binding and enforceable.

(B) The appropriations limit of the Town shall be increased by the proceeds received from this special tax for each of the four years of this special tax to permit the expenditure of the proceeds of the tax imposed by this Ordinance for the specific and limited purposes set forth in this Section.

§ 3.44.050 METHOD OF COLLECTION; ACCOUNTABILITY REPORT.

(A) The special tax imposed by this chapter shall be due from every person who owns real property within the Town on which is located a residential unit(s) and/or a nonresidential use(s) and as reflected upon the tax rolls of the Marin County Assessor at the same time ad valorem tax is due. This special tax shall be collected by the Marin County Tax Collector at the same time, in the same manner, and subject to the same terms and conditions, including penalties and interest, as the ad valorem tax. The full amount due under this chapter shall constitute a debt to the Town. An action for the collection of any tax due hereunder may be commenced in the name of the Town, or its assignee, in any court having jurisdiction of the cause.

(B) The Town Treasurer shall prepare and file with the Town Council a report by August 1st of each year stating: (1) the amounts collected and spent by the Town in the previous fiscal year, (2) the status of services authorized to be funded by the proceeds of this tax, and (3) the funds carried over from previous years and to be carried over to future years. Such report shall be available for inspection without charge to any property owner in the Town.

§ 3.44.060 DELINQUENCY; REFUNDS.

(A) To any amount of the tax created by this chapter which becomes delinquent, the Marin County Tax Collector shall add a penalty in an amount equal to any penalty owing for delinquencies in the ad valorem property tax. The tax and penalty shall bear interest at the same rate as the rate for unpaid ad valorem tax until paid.

(B) Whenever the amount of any tax, penalty, or interest imposed by this Ordinance has been paid more than once, or has been erroneously or illegally collected or received by the Town, it may be refunded provided a verified claim in writing therefor, stating the specific ground upon which such claim is founded, is filed with the Treasurer within one (1) year of the date of payment. The claim shall be filed by the person who paid the tax or such person's guardian, conservator, or the executor of her or his estate and shall contain the information required by Government Code section 910 for claims to which that section applies. No claim may be filed on behalf of other taxpayers or a class of taxpayers. If a claim is approved by the Town Council, the excess may be refunded or may be credited against any amounts then due and payable from the person from whom it was collected, and the balance may be refunded to such person, his/her administrators or executors. Filing a timely and sufficient claim shall be a condition precedent to legal action against the Town for a refund of the tax.

§ 3.44.070 AMENDMENT OF CHAPTER.

The Town Council is hereby authorized to amend this chapter by three (3) affirmative votes of its members for the sole and limited purposes of carrying out the general purposes of this chapter, to conform the provisions of this chapter to applicable state law, to permit the County Tax Collector to collect the special tax levied by this

chapter, or to re-assign the duties of public officials under this chapter. In no event, however, may the Town Council increase the tax amount specified in Section 3.44.030 or modify the specific and limited purposes for which the tax may be utilized as provided for in Section 3.44.040 without the approval of two-thirds of the voters of the Town voting on the question.

§ 3.44.080 SEVERABILITY.

If any section, or part thereof, of this chapter is held invalid or unenforceable by any court and such judgment becomes final, then that section, or part thereof, may be amended by this Council, by a majority vote, to conform with the judgment of such court, provided such amendment is consistent with the purpose and intent of this chapter. If any section, subsection, sentence, phrase or clause of this chapter is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion of this chapter. The People of the Town of Fairfax hereby declare that they would have adopted this chapter and each section, subsection, sentence, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, sentences, phrases, or clauses may be declared invalid.

§ 3.44.090 TWO-THIRDS VOTER APPROVAL; EFFECTIVE DATE.

An election to confirm and approve this Ordinance has been set for November 8, 2022. This ordinance shall be effective only if approved by two-thirds (2/3) of the voters voting upon this Ordinance and shall go into effect ten (10) days after the vote is declared by the Town Council.

§ 3.44.100 SUNSET PROVISION.

This Ordinance and the special parcel tax established herein shall expire and be of no further force or effect after midnight, June 30, 2027.

§ 3.44.110 EXECUTION.

The Town Mayor is hereby authorized to attest to the adoption of this Ordinance by signing where indicated below.”

The foregoing Ordinance was duly approved by the People of the Town of Fairfax at the General Municipal Election held on the 8th day of November, 2022.

Stephanie Hellman, Mayor

Attest:

Michele Gardner, Town Clerk

Date