




Agenda Item No: 6.e
Meeting Date: June 3, 2024

SAN RAFAEL CITY COUNCIL AGENDA REPORT
Department: City Clerk
Prepared by: Lindsay Lara, City Clerk
City Manager Approval: 

TOPIC: AN INITIATIVE MEASURE TO PROVIDE FUNDING FOR THE CONSTRUCTION OF A NEW MAIN LIBRARY AND COMMUNITY CENTER AT ALBERT PARK

SUBJECT:
1. CERTIFICATE OF SUFFICIENCY OF THE PETITION FOR THE PROPOSED INITIATIVE MEASURE AMENDING THE CITY OF SAN RAFAEL’S MUNICIPAL CODE TO PROVIDE FUNDING FOR CONSTRUCTION OF A NEW MAIN LIBRARY AND COMMUNITY CENTER AT ALBERT PARK
2. RESOLUTION ORDERING THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY OF SAN RAFAEL A CITIZEN-SPONSORED INITIATIVE MEASURE TO AMEND THE MUNICIPAL CODE TO PROVIDE FUNDING FOR CONSTRUCTION OF A NEW MAIN LIBRARY AND COMMUNITY CENTER AT ALBERT PARK IN DOWNTOWN SAN RAFAEL, AT THE CONSOLIDATED GENERAL ELECTION ON TUESDAY NOVEMBER 5, 2024; ESTABLISHING THE SCHEDULE FOR SUBMISSION OF BALLOT ARGUMENTS; AND AUTHORIZING AND REQUESTING THE COUNTY OF MARIN CONDUCT THE ELECTION

RECOMMENDATION:
1. Accept the certificate of the sufficiency of the petition for the proposed initiative measure amending the City of San Rafael’s Municipal Code to provide funding for the construction of a new main library and community center at Albert Park.
2. Adopt a Resolution Ordering the Submission to the Qualified Electors of the City of San Rafael a Citizen-Sponsored Initiative Measure to Amend the Municipal Code to Provide Funding for Construction of a New Main Library and Community Center at Albert Park in Downtown San Rafael at the Consolidated General Election on Tuesday November 5, 2024; Establishing the Schedule for Submission of Ballot Arguments; and Authorizing and Requesting the County of Marin Conduct the Election

BACKGROUND:

FOR CITY CLERK ONLY

Council Meeting: _____

Disposition: _____

SAN RAFAEL CITY COUNCIL AGENDA REPORT / Page: 2

This item is before the City Council to present a certified petition and outline the actions required of the City Council, as required by California Elections Code Section 9215.

On January 31, 2024, pursuant to Elections Code Section 9202, a Notice of Intent to Circulate a Petition was filed with the City's Elections Official (City Clerk).

On April 16, 2024, the petition was filed with the City Clerk within the required time following the publication date. The City Clerk confirmed that the number of qualified signatures submitted was approximately 4,590, exceeding the minimum number of 3,240 signatures required.

The City Clerk initiated the review of the petition, according to California Election Code, including format, content, circulation dates, and circulator's declaration.

The City Clerk requested the County of Marin Registrar of Voters to perform the signature verification of the petition. The Registrar of Voters conducted the signature verification and provided the City Clerk a Certification of Signature Verification on May 6, 2024 (Attachment 2). The City Clerk provided this verification to the proponents of the initiative measure on May 14, 2024.

Based on the validation of the petition format and content along with the signature verification, the City Clerk certified the petition as sufficient to qualify as an initiative petition for the ballot. This item is before the City Council to present a certified petition and outline the actions required of the City Council, as required by California Elections Code Section 9215.

ANALYSIS:

Certificate of Sufficiency Acceptance

Pursuant to California Elections Code section 9114, this report constitutes the City Election Official's certification of the results of the examination of the petition for the proposed initiative measure. The results of the examination of the petition from the County of Marin Registrar of Voters is attached hereto as Attachment 2. The City Clerk, acting as the City's Elections Official, has determined that the proposed initiative qualifies for the ballot.

As noted above, Election Code Section 9215 requires the City Council to choose from one of three options. Each of these actions are described in greater detail below.

1. Submit the ordinance, without alteration, to the voters pursuant to Elections Code section 1405; or
2. Order a report pursuant to Elections Code section 9212 at the regular meeting at which the certification of the petition is presented. When the report is presented to the City Council, the City Council is required to either adopt the ordinance within 10 days or, order an election, or
3. Adopt the ordinance, without alteration, at the regular meeting at which the certification of the petition is presented or within 10 days after it is presented. This option is not available to the City Council because the measure is a tax and must be submitted to the voters pursuant to Proposition 218, which amended the California Constitution in 1996 to limit the ability of local agencies to impose taxes.

Option 1: Submit Initiative Measure to the Voters (Staff Recommendation)

If the City Council decides on June 3, 2024, to place the measure on the ballot for consideration of the proposed ordinance, the election date would be November 5, 2024 (Elections Code § 9215; 1405(a).)

The City, together with many other jurisdictions in the County of Marin, requests election services from the County of Marin to consolidate election costs. In so doing, the City realizes significant savings in personnel time and costs associated with running a municipal election. However, to have the County of Marin assist with the City's municipal election, the Elections Code requires that the City Council request such assistance via resolution.

The resolution attached as Attachment 1 orders the proposed initiative submitted to the voters at the November 5, 2024, general election and requests that the County assist with and conduct the election. The resolution also establishes the following ballot language to be submitted to the voters:

Shall the measure, to levy an annual special parcel tax in the City of San Rafael to fund the construction of a new Albert Park main library and community center, at the rate of \$0.145 per square foot of improved building area and \$75.00 per vacant parcel, estimated to generate \$6,370,000 annually, and continuing for thirty years or until construction bonds are satisfied, be adopted?	YES
	NO

If the City Council elects this option, the ballot language above, along with the complete text of the proposed initiative (Exhibit A to the Resolution), would be placed on the November 5, 2024 ballot. This measure will require the approval of a majority vote of the City voters voting on the measure to become effective. If it is approved, the measure would become effective 10 days following the date the election results are certified by the City Council in accordance with Elections Code section 9217.

Option 2: Order a Elections Code Section 9212 Report

Alternatively, the City Council may direct the preparation of a report pursuant to Elections Code Section 9212. Elections Code section 9212 specifies that the City Council may direct the following topics be analyzed in the report.

1. Its fiscal impact.
2. Its effect on the internal consistency of the City's general and specific plans, including the housing element, the consistency between planning and zoning, and the limitations on city actions under Section 65008 of the Government Code and Chapters 4.2 (commencing with Section 65913) and 4.3 (commencing with Section 65915) of Division 1 of Title 7 of the Government Code.
3. Its effect on the use of land, the impact on the availability and location of housing, and the ability of the city to meet its regional housing needs.
4. Its impact on funding for infrastructure of all types, including, but not limited to, transportation, schools, parks, and open space. The report may also discuss whether the measure would be likely to result in increased infrastructure costs or savings, including the costs of infrastructure maintenance, to current residents and businesses.

5. Its impact on the community's ability to attract and retain business and employment.
6. Its impact on the uses of vacant parcels of land.
7. Its impact on agricultural lands, open space, traffic congestion, existing business districts, and developed areas designated for revitalization.
8. Any other matters the legislative body requests to be in the report.

Should the City Council order this report, the report must be presented to the City Council 30 days or less after the City Clerk certifies the sufficiency of petition for the initiative, which would be no later than July 3, 2024. Within 10 days of the report being presented to the City Council, the City Council would then be required to submit the initiative measure to the City's voters at an election. The Elections Code section 9212 report could be prepared by City staff or City consultants.

Given the nature and scope of the measure, which proposes a parcel tax for the purpose of building a new Albert Park library and community center, staff does not believe an Elections Code section 9212 report is necessary. Instead, staff provides in this staff report the following analysis, which addresses relevant Elections Code 9212 topics: (1) The measure's fiscal impacts, (2) the measure's impact on funding for infrastructure of all types, including, but not limited to, transportation, schools, parks, and open space, including a discussion of whether the measure would be likely to result in increased infrastructure costs or savings, including the costs of infrastructure maintenance, to current residents and businesses.

The Measure's Fiscal Impacts.

At the rate of \$0.145 per square foot of improved building area and \$75.00 per vacant parcel, the proposed parcel tax is estimated to generate approximately \$6,370,000 in annual revenue for the purpose of funding the planning and construction of a modern library and community center at Albert Park as well as the costs to upgrade the City's neighborhood branch libraries to achieve an appropriate amount of total library facility space.

The Collection of the parcel tax would commence on July 1st after the effective date of the measure and continue for 30 years or so long as bonds for the planning and construction of a new library and community center remain outstanding, requiring debt service payments, whichever is longer. The measure would authorize the city to include bonded indebtedness for eligible capital costs related to the planning and construction of a new library and community center as well as to upgrade the City's branch libraries. Proceeds from the measure would be used to make principal and interest payments to service the debt.

The Measure's Impacts on Funding for Library Infrastructure.

The measure would fund the planning, construction, equipping and furnishing of a new main library and community center with associated parking lots on City owned property at Albert Park. This new main library and community center project must, per the measure, be sized to meet a total citywide library square footage requirement appropriate for a city the size of San Rafael, which is approximately ~0.70 - 0.75 square feet per capita, not including associated parking, outdoor spaces, and landscaping. The majority of this square footage needed to achieve the total required citywide square footage of library space must be provided by the Albert Park Main Library and Community Center.

However, the measure would not preclude adding additional library square footage to the branch libraries in order to achieve the square footage requirements of ~0.70 - 0.75 square feet per capita. The measure also stipulates that the community center project component at Albert Park should be sized, at minimum, to meet the current community center uses in the location at the time the project is planned for construction.

Table 1: Current City Library Square Footage

Library Branch	Square Footage
Downtown (Carnegie)	12,500
Pickleweed	2,000
Northgate	3,000
Civic Center	13,429
Total Square Footage	30,929
<i>Total per capita</i>	<i>0.52</i>

Table 2: Square Footage Requirements as Determined by the Measure

San Rafael Population	59,555	
Square Feet per Capita Range	0.70	0.75
Total Square Footage Requirement	41,689	44,666

Provided that sufficient funding is available from the proceeds of the parcel tax to fund the new Albert Park Main Library and Community Center, additional funding from the tax may be used to fund upgrades, renovations, remodeling, technology improvements, and furnishing equipment improvement at Pickleweed Branch Library and Terra Linda Branch Library.

The measure requires that within two years of the effective date of the measure, the City Council shall initiate a public planning process related to the preservation of the historic Carnegie Library building for ongoing civic, community, or community-serving commercial uses. This process shall guide the development of a proposal, to be presented to the community after the library vacates the building.

At the proposed tax rate, the City would expect to have the capacity to bond for approximately \$88.2 million to fund the planning and construction of the new Albert Park Main Library and branch library improvements. This bond amount assumes a 30-year term and a 5% interest rate and is provided as a point of reference. The City has not made any commitments to bonding any amount, nor has it made any determination regarding the scope and scale of improvements contemplated by this citizens initiative. Such determinations will be considered following the approval of the measure, should it pass.

3: Adopt the Initiative Measure

Elections Code Section 9215 also permits cities to adopt a proposed ordinance to approve the initiative measure. However, this option is not available for tax measures, which require voter approval pursuant to Proposition 218, which amended the California Constitution in 1996 to limit the ability of local agencies to impose special taxes.

CEQA:

The initiative is not a project as defined by the California Environmental Quality Act (“CEQA”), specifically CEQA Guidelines Section 15378 (b)(3). A project under CEQA does not include “[t]he submittal of proposals to a vote of the people of the state or a particular community that does not involve a public agency sponsored initiative.” (*Stein v. City of Santa Monica* (1980) 110 Cal. App.3d 458; *Friends of Sierra Madre v. City of Sierra Madre* (2001) 25 Cal. 4th 165).

PUBLIC NOTICE:

Public notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

FISCAL IMPACT:

The costs for municipal elections are incurred by the City. There is sufficient budget available in the Fiscal Year 2024-25 budget to cover the approximate \$10,000 cost of placing this measure on the ballot. The fiscal impacts of the measure itself, should it be approved by the votes, is discussed above.

OPTIONS:

The City Council has the following options to consider on this matter:

1. Approve the staff recommendation to accept the certification of sufficiency of the petition, and adopt a resolution submitting the initiative measure to the City’s voters at the November 5, 2024 general election; or
2. Accept the certification of sufficiency of the petition, and order a report pursuant to Elections Code Section 9212. After the report is presented to the Council, the Council has 10 days in which to submit the initiative measure to the City’s voters at an election.

ATTACHMENTS:

1. Resolution submitting to the voters the measure to amend the City’s Municipal Code to provide funding for construction of a new main library and community center at Albert Park in downtown San Rafael; establishing the schedule for submission of ballot arguments; and authorizing and requesting the County of Marin conduct the election
2. Marin County Registrar of Voters Certificate of Signature Verification

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL ORDERING THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY OF SAN RAFAEL A CITIZEN-SPONSORED INITIATIVE MEASURE TO AMEND THE MUNICIPAL CODE TO PROVIDE FUNDING FOR CONSTRUCTION OF A NEW MAIN LIBRARY AND COMMUNITY CENTER AT ALBERT PARK IN DOWNTOWN SAN RAFAEL, AT THE CONSOLIDATED GENERAL ELECTION ON TUESDAY NOVEMBER 5, 2024; ESTABLISHING THE SCHEDULE FOR SUBMISSION OF BALLOT ARGUMENTS; AND AUTHORIZING AND REQUESTING THAT THE COUNTY OF MARIN CONDUCT THE ELECTION

WHEREAS, on January 31, 2024, a Notice of Intent to Circulate a Petition (“Petition”) was filed with the City’s Elections Official with a request that a title and summary be prepared for the purpose of submitting to the voters of the City of San Rafael a citizen initiative entitled “An Initiative Measure Amending the City of San Rafael’s Municipal Code to Provide Funding for Construction of a New Main Library and Community Center at Albert Park in Downtown San Rafael” (“Initiative”); and

WHEREAS, the City Attorney provided a title and summary for the proposed Initiative to the proponents; and

WHEREAS, the Petition regarding the Initiative was filed with the Elections Official on April 16, 2024 bearing 4,590 unverified signatures; and

WHEREAS, to qualify for the ballot, proponents were required to obtain 3,240 valid signatures on the Petition; and

WHEREAS, the County Elections Division has examined the records of voter registration and has certified that the Petition contains more than the requisite number of valid signatures to qualify for election; and

WHEREAS, the City Elections Official certified the sufficiency of the signatures on June 3, 2024; and

WHEREAS, Elections Code section 9215 provides that the City Council is required to either request a report on the proposed Initiative, submit the proposed Initiative to the voters at an election, or adopt the proposed Initiative without alteration; and

WHEREAS, the City Council of the City of San Rafael desires to submit the Initiative to the voters at the general election to be held on November 5, 2024; and

WHEREAS, the City Council desires to consolidate the general municipal election for the Initiative described herein with the Statewide General Election to be held on November 5, 2024.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of San Rafael finds the foregoing recitals are true and correct, and they are hereby incorporated by reference into this Resolution.

BE IT FURTHER RESOLVED:

Section 1. Call for Election. That pursuant to the requirements of the California Elections Code, Sections 306, 9215, and 9222, there is called and ordered to be held in the City of San Rafael, a regular municipal election for the purpose of submitting to the voters of the City of San Rafael a citizen initiative entitled “An Initiative Measure Amending the City of San Rafael’s Municipal Code to Provide Funding for Construction of a New Main Library and Community Center at Albert Park in Downtown San Rafael.” As required by Elections Code section 13247, the abbreviated form of the Initiative to appear on the ballot is specified below in Section 2 of this Resolution. The City’s designated Elections Official is hereby authorized and directed to make any changes to the proposition, text of the ballot label below or this resolution as required to conform to any requirements of law.

Section 2. Ballot Language. The following question shall be submitted to the voters on the ballot:

Shall the measure, to levy an annual special parcel tax in the City of San Rafael to fund the construction of a new Albert Park main library and community center, at the rate of \$0.145 per square foot of improved building area and \$75.00 per vacant parcel, estimated to generate \$6,370,000 annually, and continuing for thirty years or until construction bonds are satisfied, be adopted?	YES
	NO

This question requires the approval of a majority vote of the City of San Rafael voters voting on the measure at the election to become effective. If the Initiative is so approved by the City of San Rafael voters, then the Ordinance attached hereto as Exhibit A shall become effective ten (10) days following the date the vote is declared by the City Council in accordance with Elections Code section 9217.

Section 3. Text of Measure. The complete text of the measure to be submitted to the voters for approval is attached to this resolution as **Exhibit A**. The text of the measure shall be printed in the ballot materials and be available for public inspection in the City Clerk’s office and on the City’s website at www.cityofsanrafael.org.

Section 4. Publication of Measure. The City Clerk is hereby directed to cause notice of the measure to be published once in the official newspaper of the City of San Rafael, in accordance with of the California Elections Code section 12111 and California

Government Code section 6061, and is further directed to give further or additional notice of the election, in time, form and manner as required by law.

Section 5. Request to Consolidate and Conduct Election and Canvass Returns.

(a) Pursuant to the Elections Code commencing with Section 10400, the City Council hereby requests, consents, and agrees that the County of Marin shall take all actions which are necessary or appropriate in connection with the election, including, but not limited to, printing and mailing sample ballots, arguments and applications for absentee ballots, canvassing election returns and certifying the results of the election to the Council. Pursuant to Elections Code Section 10002, the Board of Supervisors of Marin County is requested to permit the Registrar of Voters to render all services specified by Elections Code Section 10418 relating to the election. The City hereby agrees to reimburse Marin County in full for any services performed by the County for the City upon presentation of an invoice to the City.

(b) The election on the Initiative shall be held and conducted, the voters canvassed and the returns made, and the results ascertained and determined as provided herein. The election shall be held in accordance with the Elections Code of the State of California. As required by Elections Code section 10403, the City of San Rafael acknowledges that the consolidated election will be held and conducted in the manner prescribed in Section 10418 of the Elections Code.

(c) The election on the Initiative shall be held in the City of San Rafael in the County of Marin on November 5, 2024, as required by law, and the County of Marin is authorized to canvass the returns of the election with respect to the votes cast in the City of San Rafael and certify the results to the City Council of the City of San Rafael.

(d) At the next regular meeting of the City Council of the City of San Rafael occurring after the returns of the election for the Initiative have been canvassed and the results have been certified to the City Council, or at a special meeting called for such purpose if required by law, the City Council shall cause to be entered in its minutes a statement of the results of the election.

Section 6. Submission of Ballot Arguments. The City Council hereby adopts provisions for the filing of ballot arguments and rebuttal arguments for the measure as set forth in California Elections Code sections 9282 *et seq.* All arguments for and against the measure shall be filed with the City Clerk pursuant to the timelines set forth in the County of Marin's Election Calendar for the November 5, 2024 General Election as published on their website: <https://www.marincounty.org/depts/rv/election-info/election-schedule/page-data/tabs-collection/2024/nov-5-2024/measure-guide?tabnum=2>. All arguments for and against the measure shall be signed, with printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers who is the author of the argument.

Section 7. Impartial Analysis. In accordance with California Elections Code section 9280, the City Council directs the City Clerk to transmit a copy of the Initiative to the City Attorney, who shall prepare an impartial analysis showing the effect of the measure on the existing law and the operation of the measure. The City Attorney’s impartial analysis may not exceed 500 words.

Section 8. Services of City Clerk. The City Clerk is hereby authorized and directed to take all steps necessary to place the measure on the ballot, including giving further or additional notice of the election as required by law, and to cause the ordinance or measure to be printed. A copy of the ordinance or measure shall be made available to any voter upon request. As required by Elections Code section 12111, the City Clerk shall cause a synopsis of the measure to be published in a newspaper of general circulation at least one time not later than one week before the November 5, 2024 election. The notice shall be headed “Measure to Be Voted On” and be in the form described in Elections Code section 12111.

Section 9. Canvass Returns of the Election. The Marin County Elections Department is hereby authorized to canvass the returns of the election, including this ballot measure.

Section 10. Filing of Copy of Resolution. The City 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.

Section 11. Election Held Pursuant to Law. In all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

Section 12. Effective Date. This Resolution shall take effect upon its adoption.

I, Lindsay Lara, Clerk of the City of San Rafael, hereby certify that the forgoing Resolution was duly and regularly introduced and adopted at a regular meeting of the City Council of said City held on Monday, the 3rd day of June 2024, by the following vote, to wit:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:

Lindsay Lara, City Clerk

Exhibits:

A. Text of Measure

THE PEOPLE OF THE CITY OF SAN RAFAEL DO ORDAIN AS FOLLOWS:

SECTION 1. Title. This measure shall be known and may be cited as the San Rafael Library and Community Center Revitalization Initiative (the “Initiative”).

SECTION 2. Findings and Purpose.

- A. Findings. The people of the City of San Rafael (“City”) find and declare the following:
1. San Rafael’s Downtown Main Library was built over 100 years ago in 1909 when San Rafael’s population was only 6,000. Currently San Rafael’s population exceeds 60,000 residents and the library is far too small and outdated to serve the needs of children, teens, families and older adults in the community.
 2. With library use on the rise, the 115-year-old facility is in poor condition with cramped, dilapidated space, poor lighting, and lack of adequate seating, book collections, computer stations, quiet reading areas, and group study or meeting areas. The building does not meet current safety and accessibility standards for libraries built today. Options for expansion are limited and expensive.
 3. San Rafael students of all ages and income levels rely on local libraries for a modern, well equipped, quiet and safe space to read, study, complete homework, and receive tutoring. Families with young children rely on literacy and reading programs. Older adults utilize the library for access to computers, technology and quiet reading space.
 4. Community centers provide safe spaces for afterschool, summer learning and recreation programs that allow children and teens a safe place to engage in programs intended to spark their imagination and support their educational experience. Community centers also provide recreational and social programs that help older adults remain active and independent.
 5. The City of San Rafael commissioned a study in 2021 for the construction of a new Main Library and Community Center on City-owned property at Albert Park, located near 1st Street and B Street in Downtown San Rafael to verify the feasibility of a project at this location and determine a project scope and budget.
 6. A new library and community center at this location would be constructed to comply with current building and environmental codes and to support modern technologies essential in today’s libraries. A new library and community center would provide space, furnishings and equipment for community services and amenities such as: afterschool homework assistance; tutoring and summer reading programs for school-age children; a dedicated children’s area for story time and other programs; art and literacy programs for all ages; programs for older adults; expanded book collections and other media; improved access for older adults and residents with disabilities; updated technology infrastructure, WIFI, and public computing; public meetings and community gatherings; and emergency operations and shelter in case of fires, earthquakes, floods, or other emergencies.
 7. This Initiative authorizes and funds, via a special *non-ad valorem* parcel tax on taxable real property within the City, the planning and construction of a modern library and community center at Albert Park to serve the needs of current and future residents. Funds from the Initiative may also be used to upgrade San Rafael’s neighborhood branch libraries to achieve an appropriate amount of total library facility space for a city of San Rafael’s size.
 8. This Initiative includes and requires strict fiscal accountability protections to ensure all funds are used as promised, including: the new revenues must stay in San Rafael to fund the planning and construction of a new library, community center, and upgrades to neighborhood branch libraries; no funds may be taken away by the State or diverted for other purposes; no funds may be used for administrator salaries or benefits; and required public disclosure of all spending, including requirements for an independent oversight committee and annual audits.

9. To ensure the cost of this Initiative is not a burden to residents on limited fixed incomes, homeowners age 65 and over shall be eligible for an optional exemption.
10. This Initiative also requires the City of San Rafael to develop a proposal to present to the community for the preservation and reuse of the historic Carnegie Library in Downtown San Rafael after the library vacates the building.
11. Adoption and implementation of this Initiative will protect and serve the public health, safety, and welfare, and the quality of life for the people of the City of San Rafael.

B. Purpose. The people of the City of San Rafael declare that our purpose and intent in enacting this Initiative is to authorize and adopt a special *non-ad valorem* parcel tax of fourteen and one-half cents (\$.145) per square foot of improved building area per year and seventy-five dollars (\$75.00) per vacant parcel per year on taxable real property within the City, the proceeds of which shall be specifically limited and shall be used solely as set forth in this Initiative, to fund the planning and construction of a modern library and community center at Albert Park to serve the needs of current and future residents, as well as the costs to upgrade San Rafael's neighborhood branch libraries to achieve an appropriate amount of total library facility space for a city of San Rafael's size.

SECTION 3. Amendments to City of San Rafael Municipal Code.

The City of San Rafael Municipal Code is hereby amended to add a new Chapter (Parcel Tax for Planning and Construction of a New Albert Park Main Library and Community Center), to read as follows:

Chapter ___ – PARCEL TAX FOR PLANNING AND CONSTRUCTION OF A NEW ALBERT PARK MAIN LIBRARY AND COMMUNITY CENTER

Section ___ - Title.

This Chapter shall be known and may be cited as “Parcel Tax for Planning and Construction of a New Albert Park Main Library and Community Center.”

Section ___ - Imposition.

- A. A special *non-ad valorem* parcel tax (hereinafter the “Parcel Tax”) is hereby established and shall be levied annually on the owner of each parcel of taxable real property located within the City of San Rafael (the “City”), unless the owner is by law exempt from taxation, in which case, the Parcel Tax shall be assessed to the holder of the possessory interest in such parcel, unless such holder is also by law exempt from taxation. The Parcel Tax is an excise tax on the use of property within the City.
- B. The Parcel Tax shall hereby be established and levied each year, commencing July 1st after the Effective Date, on each parcel of taxable real property, improved or unimproved, within the boundaries of the City at the rate of fourteen and one-half cents (\$.145) per square foot of improved building area and seventy-five dollars (\$75.00) per vacant parcel.
- C. The collection of the Parcel Tax shall commence on July 1st after the Effective Date and continue for thirty (30) years thereafter or so long as bonds for the planning and construction of a new library and community center remain outstanding requiring debt service payments, whichever is longer.
- D. The Parcel Tax shall be collected by the Marin County Tax Collector (the “Tax Collector”) at the same time and in the same manner and shall be subject to the same penalties as *ad valorem* property taxes collected by the Tax Collector. The collection of the Parcel Tax hereunder shall not decrease the funds available from other sources of the City in any period from the Effective Date hereof.
- E. For the purposes of this Chapter, a “parcel of taxable real property” shall be defined as any unit of real property located in the City which receives a separate tax bill for *ad valorem* property taxes from the Tax Collector. “Building” is defined as any structure having a roof supported by columns or walls and designed for the shelter or housing of any person or property of any kind. The word “building”

includes the word “structure” and encompasses, without limitation, all residential, commercial and industrial structures. “Improved parcel” is defined as a parcel on which there exists any building. “Vacant parcel” is defined as a parcel on which no building exists.

- F. The City shall be authorized to incur bonded indebtedness for eligible capital costs related to the planning and construction of a new library and community center as well as upgrades to San Rafael’s branch libraries, utilizing the proceeds from the Parcel Tax to make principal and interest payments to service such debt.
- G. All property that the Tax Collector has determined to be otherwise exempt from property taxes, or on which no *ad valorem* property taxes have been levied, in any year shall also be exempt from the Parcel Tax in such year. The Tax Collector's determination of exemption or relief for any reason of any parcel from taxation, other than the Senior Citizen Exemption (defined below), shall be final on the taxpayer for purposes of this Chapter. Taxpayers desiring to challenge the Tax Collector's determination should do so under the procedures established by the Tax Collector's Office, applicable provisions of the California Revenue and Taxation Code or other applicable law. Taxpayers seeking any refund of taxes paid pursuant to this Chapter shall follow the procedures applicable to tax refunds pursuant to the California Revenue and Taxation Code and any other generally applicable law.
- H. An optional exemption (heretofore the “Senior Citizen Exemption”) from the Parcel Tax will be made available annually to each individual in the City who attains 65 years of age prior to July 1 of the tax year, and who owns a beneficial interest in the parcel, and who uses that parcel as his or her principal place of residence, and who applies for such exemption to the City on or before June 1st of each tax year, or during the first year of the tax at a date to be determined by the Tax Collector. Any application for such exemption must be submitted to the Tax Collector, pursuant to any rules and regulations of the Tax Collector.

Section __ - Levy, Collection, Purpose.

- A. The proceeds of the Parcel Tax shall be deposited into a special fund, maintained by the City, which proceeds, together with any interest and any penalties thereon, collected each fiscal year shall be used solely for the purposes set forth in this Section. The proceeds from the Parcel Tax shall be expended only for these purposes.
- B. The proceeds collected by the levy of the Parcel Tax shall be used as follows:
 - 1. The City shall be authorized to fund the planning, construction, equipping and furnishing of a new main library and community center, with associated parking lots, on City-owned property at Albert Park, located near 1st Street and B Street in Downtown San Rafael (the “Albert Park Main Library and Community Center”), and issue and sell bonds to provide financing for the specific capital projects listed below, subject to all of the accountability safeguards specified herein (hereinafter referred to as “Project” or “Projects”).
 - 2. The Albert Park Main Library and Community Center Project shall be sized to meet total citywide library square footage requirements appropriate for a city the size of San Rafael (~0.70 - 0.75 square feet per capita) not including associated parking, outdoor spaces, and landscaping. The majority of the building square footage needed to achieve the total required citywide square footage of library space shall be provided by the Albert Park Main Library and Community Center Project, but this Initiative shall not preclude adding additional library square footage to the branch libraries as part of the effort to achieve the aforementioned total citywide library square footage requirements of ~0.70 - 0.75 SF per capita. The community center Project component at Albert Park should be sized, at minimum, to meet the current community center uses in that location at the time the Project is planned for construction.

3. All designs and planning for the Albert Park Main Library and Community Center shall include the preservation or relocation of the existing Lonatese Gardens at Albert Park.
 4. Provided that sufficient funding is available from the proceeds of the Parcel Tax to fund the planning and construction of a new Albert Park Main Library and Community Center, additional funding from the Parcel Tax may also be used to fund upgrades, renovations, remodeling, technology improvements, and furnishing/equipment improvements at Pickleweed Branch Library and Terra Linda Branch Library.
 5. Each Project described herein is assumed to include its share of costs of bond issuance, architectural, engineering, legal and similar planning costs; litigation costs; construction management; Project bond consultants; staff development and training expenses associated with learning construction techniques and approaches and new equipment and systems; the furnishing and equipping of all Projects, including equipment to maintain facilities in a safe and clean condition; and a customary contingency for unforeseen design and construction costs. Payment of the costs of preparation of facilities planning and Project implementation studies, feasibility and assessment reviews, master planning, environmental studies, permit and inspection fees, studies and assessments, including ADA and seismic, and temporary housing and relocation costs for dislocated programs or activities caused or necessitated by Projects are permissible expenditures.
 6. The final cost of each Project will be determined as plans are finalized and Projects are completed. Based on the final costs of each Project, certain of the Projects described above may be delayed or may not be completed. Necessary site preparation, grading or restoration may occur in connection with new construction, including ingress and egress, removing, replacing or installing irrigation, utility lines, trees and landscaping, relocating fire access roads and acquiring any necessary easements, leases, licenses or rights of way to the property.
 7. Proceeds from the Parcel Tax shall be used only for the planning, construction, equipping and furnishing of the facilities and grounds identified in this section, and not for any other purpose, including administrator salaries and other operating expenses, in accordance with applicable law.
 8. Where feasible, Projects may be completed in partnership with other public or private agencies on a joint use basis using Parcel Tax proceeds or related bonded indebtedness, subject to federal tax rules and regulations.
- C. The purposes set forth in this Section shall constitute the specific purposes of this Chapter, which are specific and legally binding limitations on how the proceeds of the Parcel Tax may be spent. The proceeds of the Parcel Tax shall be used only for such purposes and shall not fund any purpose other than those set forth herein.

Section __ - City Annual Report.

The City shall prepare a report on at least an annual basis which shows the amount of funds collected and expended, and the status of any Project required or authorized to be funded, by the Parcel Tax. The City shall file each report with the Mayor, City Council and the oversight committee referenced in this Chapter.

Section __ - Parcel Tax Funds Shall Not Replace Existing Funding.

- A. The People of the City of San Rafael find and declare that, absent the Parcel Tax funds, the City would require more resources than are currently provided to plan, construct, equip and furnish a new library and

community center. In adopting this Parcel Tax, the People of the City are providing new, additional City resources to complement, but not to replace or supplant, any or all pre-existing City, State, Federal or other funding for the planning, construction, equipping and furnishing of a new library.

- B. Consistent with subsection (A), the People of the City of San Rafael specifically find and declare that their contributions to and disbursements from the special Parcel Tax fund authorized by this Chapter are discretionary expenditures by the City for the direct benefit of the residents of the City. In the event that the State attempts, directly or indirectly, to redistribute these expenditures to other jurisdictions or to offset or reduce State or Federal funding to the City because of the contributions to and disbursements from the special Parcel Tax fund authorized by this Chapter, the City shall transfer said monies that would otherwise be distributed each year from the special Parcel Tax fund to such other fund as the City Council may designate, to be spent for purposes which are substantially equivalent to the purposes set forth in this Chapter.

Section __ - Increase in Appropriations Limit.

To the extent that the revenue from the Parcel Tax is in excess of the spending limit for the City, as provided for in applicable provisions of the California Constitution and State law, the approval of the Parcel Tax by the voters shall constitute approval to increase the City's spending limit in an amount equal to the revenue derived from the Parcel Tax for the maximum period of time as allowed by law.

Section __ - Fiscal Accountability Protections and Oversight.

Starting with the first operative year of this Chapter, the City shall establish an oversight committee comprised of San Rafael residents to submit a report on at least an annual basis to the Mayor and City Council evaluating whether the proceeds from the Parcel Tax are being properly expended for the purposes set forth in this Chapter. Proceeds from the Parcel Tax shall be subject to the City's generally applicable independent annual audit procedures and requirements.

Section __ - Preservation of Historic Carnegie Library.

The People of the City of San Rafael specifically find and declare that the historic Carnegie Library building constructed in 1909 in Downtown San Rafael is an essential element of the City's history, architecture and character and shall be preserved for future use. Within two (2) years of the Effective Date of this Measure, the San Rafael City Council shall initiate a public planning process related to the preservation of the historic San Rafael Carnegie Library building for ongoing civic, community or community-serving commercial uses. The planning process shall guide the development of a proposal, to be presented to the community, for the preservation and reuse of the historic Carnegie Library in Downtown San Rafael after the library vacates the building.

SECTION 4. Effective Date and Implementation.

- A. This Initiative shall be effective upon the earliest date legally possible after the elections official certifies the vote on the Initiative by the voters of the City of San Rafael pursuant to the California Elections Code (the "Effective Date").
- B. Upon the Effective Date of this Initiative, the City is directed to promptly take all appropriate actions needed to implement this Initiative, including but not limited to taking any administrative steps necessary to administer and collect the Parcel Tax authorized herein or to update any City codes or any other documents maintained by the City so they conform to the legislative policies set forth in this Initiative.
- C. The City may reorganize, renumber, and/or reformat the Municipal Code provisions included in Section 3 of this Initiative, provided that the full text is inserted into the Code without alteration.

SECTION 5. Interpretation and Severability.

- A. This Initiative must be broadly construed to achieve the purpose stated above. It is the intent of the voters that the provisions of this Initiative be interpreted or implemented by the City and others in a manner that

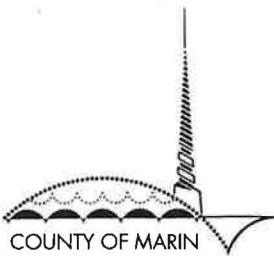
facilitates the purpose set forth in this Initiative.

- B. This Initiative and the special tax authorized herein are adopted pursuant to the provisions and authority contained California Constitution, including Article II, § 11. The People of the City declare their intent that this citizen Initiative, if approved by a simple majority of voters pursuant to controlling California case law, shall be enacted, and the parcel tax be collected, for the entire uninterrupted period described herein. To the extent that the California Constitution or other applicable state law is amended, either at the same election or any time after this Initiative is adopted by San Rafael's voters, to create additional or different voting requirements necessary to implement or to continue to implement this Initiative, the People of the City of San Rafael declare their intent that any such amendments should, to the greatest extent allowed by law, be applied prospectively only and not apply to, or in any way affect, this Initiative.
- C. This Initiative must be interpreted so as to be consistent with all federal and state laws, rules, and regulations. If any section, sub-section, sentence, clause, phrase, part, or portion of this Initiative is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this Initiative. The voters declare that this Initiative, and each section, sub-section, sentence, clause, phrase, part, or portion thereof, would have been adopted or passed irrespective of the fact that any one or more sections, sub-sections, sentences, clauses, phrases, part, or portion is found to be invalid. If any provision of this Initiative is held invalid as applied to any person or circumstance, such invalidity does not affect any application of this Initiative that can be given effect without the invalid application.
- D. If any portion of this Initiative is held by a court of competent jurisdiction to be invalid, we the People of the City of San Rafael indicate our strong desire that: (i) the City Council use its best efforts to sustain and re-enact that portion, and (ii) the City Council implement this Initiative by taking all steps possible to cure any inadequacies or deficiencies identified by the court in a manner consistent with the express and implied intent of this Initiative, including adopting or reenacting any such portion in a manner consistent with this Initiative.

SECTION 6. Municipal Affairs. The People of the City hereby declare that providing funding for the planning, construction, equipping and furnishing of a library and community center through a parcel tax for the purposes set forth in this Initiative constitutes a municipal affair. The People of the City hereby further declare their desire for this Initiative to coexist with any similar tax measures adopted at the city, county, or state levels.

SECTION 7. Conflicting Measures. To ensure that the intent of the voters is not frustrated, this Initiative is presented to the voters as an alternative to, and with the express intent that it will compete with or take precedence over, any and all voter initiatives or City-sponsored measures placed on the same ballot as this Initiative and which, if approved, would adopt a special tax to authorize and/or fund the planning and construction of a library and community center at Albert Park which would frustrate the purpose and intent of this Initiative (each, a "Conflicting Measure"). In the event that this Initiative and one or more Conflicting Measures are adopted by the voters at the same election, then it is the voters' intent that only the measure which receives the greatest number of affirmative votes shall control in its entirety and said other measure or measures shall be rendered void and without any legal effect with respect to such matters. If this Initiative is prevented from going into effect by a Conflicting Measure approved by the voters at the same election, and such Conflicting Measure is later held invalid, this Initiative shall be self-executing and given full force of law. Notwithstanding the foregoing provisions of this Section, in the event that both this Initiative and another measure(s) are adopted by the voters at the same election, but the two measures can be harmonized in a manner that permits this Initiative to be implemented upon its adoption without imposing any inconsistent requirement(s), then it is the voters' intent that both the other measure and this Initiative shall be given full force and effect regardless of which measure receives the greatest number of affirmative votes.

SECTION 8. Amendment. This Initiative may be amended or repealed only by the voters of the City of San Rafael voting in an election held in accordance with state law.



ELECTIONS DEPARTMENT

Providing a responsive, transparent, and professional approach to conducting elections.

Lynda Roberts
REGISTRAR OF VOTERS

Melvin Briones
ASSISTANT REGISTRAR OF
VOTERS

PO Box E
San Rafael, CA 94913

Marin County Civic Center
3501 Civic Center Drive
Suite 121
San Rafael, CA 94903
415 473 6456 T
415 473 6447 F
415 473 6899 TTY
www.marinvotes.org
elections@marincounty.org

MARIN COUNTY REGISTRAR OF VOTERS CERTIFICATE OF SIGNATURE VERIFICATION California Elections Code sec. 9114-9115


I, Lynda Roberts, Registrar of Voters, County of Marin, hereby certify that the verification of signatures on an initiative petition received by this office on April 17 2024, was completed at the request of the city clerk of the City of San Rafael.

The signatures were verified pursuant to California Elections Code sec. 9114, and I determined the following facts as confirmed in the attached report—Petition Result Breakdown.

Signatures Required	3240
Raw Count	4590
Full Count	4590
# Valid Signatures	3773
# Invalid Signatures	817
Duplicate Signatures	7

IN WITNESS WHEREOF, I have set my hand and affixed my official seal on the 6th Day of May 2024

SEAL


Lynda Roberts
Registrar of Voters

Petition Result Breakdown

City of San Rafael

San Rafael Library and Community Center Revitalization

Signatures Required	3240		
Raw Count	4,590		
Sample Size	4,590	<i>Percent of Sigs</i>	<i>Percent of</i>
Sigs Checked	4,590	<i>Checked</i>	<i>Sample Size</i>
Sigs Not Checked	0		0.0 %
Sigs Valid	3,773	82.2 %	82.2 %
Sigs Invalid	817	17.8 %	17.8 %
Duplicated	7	0.2 %	0.2 %
Non-duplicate Invalids	810	18.0 %	17.6 %

RESULT ABBR	RESULT DESCRIPTION		
Approved	Approved	3,773	82.2 %
NotReg	Not Registered	205	4.5 %
OutOfDist	Out of District	460	10.0 %
Duplicate	Signed more than once	7	0.2 %
RegLate	Registered Late	4	0.1 %
RegDiffAdd	Registered at a Different Address	73	1.6 %
CantIdentfy	Cannot Identify	4	0.1 %
NoResAdd	No Residence Address Given	3	0.1 %
NoSig	No Signature	4	0.1 %
SigNoMatch	Signatures Don't Match	25	0.5 %
NoVoter	Voter Not Found	32	0.7 %

STATISTICS SUMMARY	Value	% Raw	% Req	
Pages Processed	1157	100.0 %		
Total Checked	4590	100.0 %	141.7 %	
Uncorrected Valid	3773	82.2 %	116.5 %	
Duplicate Adjustment	0			
Estimated Valid	3773	82.2 %	116.5 %	
				Min Required (95%): 3078.0
				Min Required to pass
				Based on Sample (110%): 3564.0