

MEASURE SUBMITTED TO THE VOTERS

MUNICIPAL

**TOWN OF FAIRFAX
ADOPTION OF SPECIAL MUNICIPAL
SERVICES TAX
MEASURE L**

L Shall an ordinance be adopted approving the adoption of the Fairfax special municipal services tax upon improved residential property to a maximum rate of one hundred twenty-five dollars for each dwelling unit and upon improved business property to a maximum rate of one hundred twenty-five dollars for each business occupancy and specifying that all proceeds of the special municipal services tax shall be paid into the general fund to be used exclusively for the specific purposes of public safety, including police, fire, emergency medical and public works which includes hazard/safety improvements to our public streets and sidewalks?

**TOWN OF FAIRFAX
ADOPTION OF SPECIAL MUNICIPAL
SERVICES TAX
FULL TEXT OF EXHIBIT A
ORDINANCE NO. 707
MEASURE L**

**AN ORDINANCE OF THE PEOPLE OF THE
TOWN OF FAIRFAX, CALIFORNIA,
ADOPTING A SPECIAL MUNICIPAL
SERVICES TAX BY ADDING SECTIONS
3.20.080 AND 3.20.090 TO CHAPTER 3.30,
"MUNICIPAL SERVICES TAX", OF THE
FAIRFAX MUNICIPAL CODE**

**THE PEOPLE OF THE TOWN OF FAIRFAX DO ORDAIN AS
FOLLOWS:**

SECTION 1. ADDITIONS TO CODE. Sections 3.20.080, "Special Municipal Services Tax Imposed -- Rate," and 3.20.090, "Deposit and Use of Funds from Special Municipal Services Tax" are added to Chapter 3.30 of the Fairfax Town Code as follows;

3.20.080 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 of Fairfax for a period of five (5) years:

- A. A special municipal services tax is levied and imposed upon improved residential property at a maximum rate of one hundred twenty five dollars per dwelling unit for five (5) years. 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 maximum rate of one hundred twenty-five dollars for each business occupancy for five (5) years. 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.

3.20.090 Deposit and use of funds from Special Municipal Services Tax.

All proceeds of the special municipal services tax levied and imposed under Section 3.20.080 of this chapter shall be paid into the general fund to be used exclusively for the specific purposes of public safety, including police, fire, emergency medical and public works which includes hazard/safety improvements to our public streets and sidewalks.

SECTION 2. REMAINING SECTIONS OF CHAPTER 3.20 UNCHANGED. The remaining sections of Chapter 3.20 of the Fairfax Town Code shall remain unchanged.

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.

SECTION 4. SEVERABILITY. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, 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 Ordinance. The People of the Town of Fairfax hereby declare that they would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 5. PUBLIC NOTICE. Copies of the foregoing ordinance shall within fifteen (15) days after its final passage and adoption be posted in three public places in the Town of Fairfax, to wit:

- (a) Bulletin Board, Fairfax Town Offices, Town Hall;
- (b) Bulletin Board, Fairfax Post Office; and
- (c) Bulletin Board, Fairfax Women's Club Building.

Which said places are hereby designated for that purpose.

The foregoing Ordinance was approved by the voters of the Town of Fairfax at a special election held on the 2nd day of November, 2004, by the following vote tally:

YES:

NO:

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**IMPARTIAL ANALYSIS BY THE TOWN ATTORNEY
MEASURE L**

This measure, if passed by two-thirds (2/3) of the voters, would add Sections 3.20.080 and 3.20.090 to the Fairfax Town Code, imposing a special tax at a maximum rate of one hundred twenty-five dollars (\$125.00) on each improved residential and business parcel within the boundaries of the town of Fairfax for a period of five (5) years. The measure requires that the revenue from the tax be used exclusively for the specific purposes of public safety, including police, fire, emergency medical and public works which includes hazard/safety improvements to public streets and sidewalks.

The remaining sections of Chapter 3.20 of the Fairfax Town Code shall remain unchanged.

A "YES" vote would be a vote to impose the tax, subject to the conditions and restrictions stated above.

A "NO" vote would be a vote to not impose the tax.

JOSEPH J. BRECHER
Town Attorney

ARGUMENTS FOR AND AGAINST

THIS MEASURE

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ARGUMENT IN FAVOR OF MEASURE L

Fairfax faces a fiscal crisis in the wake of our state leaders' mismanagement of California's budget. **As usual, the state government has lived above its means, and again they have bailed themselves out on the backs of the local governments.**

Over the past decade Sacramento has taken **over \$2,700,000** from Fairfax.

We are asking our residents to pass **Measure L**, a five year, \$125 per year special tax, so that we can recover some of these diverted property tax funds.

Measure L will allow us to maintain our excellent fire, emergency medical and police services and to continue to make emergency and safety repairs to our roads and sidewalks.

The fact is, our great successes in:

- **vastly improving our Caltrans road rating,**
- **adding paramedic firefighters to our fire station, and**
- **professionalizing our police department**

are at *great risk* if we cannot replace some of the revenues Sacramento has taken from us.

None of us asked the Public Retirement System to invest unwisely in Enron and PG&E. When those investments turned sour, the losses were passed on to us in spiraling pension costs.

None of us asked the State to squander California's multi-billion dollar surplus on irresponsible energy contracts. When they did, the state government reached into our coffers to make up the difference. They, in effect, squandered our budget surplus too - a surplus that we worked so hard to build and maintain.

Fairfax can simply accept lower quality services from its local government and a lower quality of life, **OR we can decide that it is worth \$10.42 per month** to maintain and improve the community we have worked so hard to build.

Stand up for Fairfax. Please vote YES on Measure L.

- s/ Frank Egger, Mayor of Fairfax
- s/ Lewis E. Tremaine III, Vice-Mayor of Fairfax
- s/ Trudy Totty, Fairfax Volunteer Coordinator
- s/ Susan A. Brandborg, Council Member
- s/ Larry Bragman, Council Member

REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE L

Proponents fail to mention that your rising property tax bill allowed the town budget to **inflate 60%** in the last 8 years from 3 million to almost 5 million. They fail to mention that they have not come up with **one** idea to **save** our town money.

One day after this tax measure was submitted for the ballot the council increased fees, which you cannot vote on, raising almost \$200,000 a year. That same night they designated \$30,000 dollars for our new Open Space fund rather than using it to decrease the deficit. They are asking you to vote for a tax that will raise \$460,000 a year for five years and at the same time raise almost half of that amount on an ongoing basis. How long will this "**fiscal crisis**" last and how much **do** they actually need?

Every business and household in Fairfax has to live within its means. Our town needs to do the same. As a business owner in town for 26 years I can tell you that, in Fairfax, you have to think small - watch and stretch every dollar. Our government needs to financially reflect our community. The overspending will not stop until taxpayers say no more.

We should not assume that our Fairfax neighbors can afford to pay more taxes. Seniors struggle to make ends meet, young families are financially challenged, newer property owners pay extremely high taxes and everyone pays 12 additional taxes on their bills already.

NO on Measure L.

s/ Mike Ghiringhelli



ARGUMENT AGAINST MEASURE L

Fairfax does not have a money crisis, it has a money *management* crisis. Eight years ago our budget was 3 million dollars and today it is almost 5 million dollars. How many Fairfax residents and businesses have had a 60% increase in revenues and expenditures over the same time period?

Currently Fairfax property owners have 12 special taxes on their property tax bills, more than any other Marin community. Fairfax residents already pay a "special" paramedic tax, pension tax, Measure K, run-off tax, and a general services tax.

There are many ways to manage our funds better. We could consolidate or contract out services with neighboring towns. Our fire department already has a successful shared service with San Anselmo. Our police department does not and represents 40% of our town's budget (\$2 million). We could save up to \$750,000 if we work with our neighbor. The difference between the police department and fire department budgets has doubled to 16% over the years since the fire consolidation. In contrast, San Anselmo's budget difference between the two departments is just 2%. There is strength and savings in numbers.

This small Ross Valley community cannot afford two dispatch centers, two chiefs of police and two police stations. San Anselmo's Police Department serves 5000 more residents than Fairfax for only \$650,000 more in cost.

This is just one area where we could save. If we had managed our town better, we could have saved millions of dollars over the years with joint efforts with other towns, money that could have been used to improve sidewalks, roads, and infrastructure. ***Do not believe the scare tactics!***

Taxpayers unite and send the council a message to run the town with the revenues we have. **Say NO to Measure L.**

s/ Mike Ghiringhelli, Council Member

REBUTTAL TO ARGUMENT AGAINST MEASURE L

Nearly all taxpayers in Marin County cities pay about 12 special taxes. Only five of the special taxes on Fairfax tax bills are collected by the town. Most were approved by voters and only one has increased since the voter's original approval. Recently the town increased some fees to cover the actual cost of doing business. That doesn't sound like money mismanagement to us.

Measure L is a **temporary** \$125 annual tax. It goes into effect in 2005 and **automatically ends** in 2010.

Opponents say San Anselmo police serve 5000 more residents for only \$650,000 more. They need to read San Anselmo's budget more closely. They budget differently by not including emergency radio or grant monies in their police budget.

Using identical budgeting procedures their budget would be closer to \$3,000,000-\$1,131,000 more than Fairfax.

The notice that Fairfax residents give up their 24/7 police service is unacceptable. Police-Town Hall services are currently available 168 hours a week. Under the opponent's plan, those hours would be reduced to 38 ½ per week. The rest of the time doors would be locked, **our police station closed.**

San Anselmo's Council refuses to even discuss Councilmember Ghiringhelli's police consolidation/contract idea.

Do Fairfax residents really want to travel to San Anselmo to conduct police business or take up police complaints with SAN ANSELMO Council?

Isn't it worth \$10.42/month to keep Fairfax's police and fire stations open 24/7 and to keep our roads and sidewalks safe? **Fairfax is a very special place!**

KEEP OUR FAMILIES SAFE!

YES On Measure L.

s/ Pamela Meigs
Registered Nurse

s/ Mary Jo Rice
Executive Director Seaflow

s/ Ed Kelly
Town Treasurer

s/ Trudy Totty
Fairfax Volunteer Coordinator

s/ Rudolph (Rudy) A. Contratti
Maintenance Worker I (Parks)

END OF MEASURE L

