

MEASURE SUBMITTED TO THE VOTERS

COUNTY

**COUNTY OF MARIN
CONTINUATION OF THE BUSINESS LICENSE TAX
MEASURE B**

B Shall an ordinance be approved to continue chapter 5.54 of the Marin County Code to sustain the current business license tax upon all professions, trades, occupations, gainful activities, and all and every kind of calling, within the unincorporated area of Marin County to raise revenue for general governmental purposes?

**COUNTY OF MARIN
CONTINUATION OF THE BUSINESS LICENSE TAX
FULL TEXT OF ORDINANCE
MEASURE B**

ORDINANCE NO. _____

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF MARIN CONTINUING THE PROVISIONS OF
CHAPTER 5.54 TO SUSTAIN THE CURRENT BUSINESS
LICENSE TAX**

THE PEOPLE OF THE COUNTY OF MARIN ORDAIN AS FOLLOWS:

**SECTION I. VOTER APPROVAL OF MARIN COUNTY CODE
CHAPTER 5.54.**

Chapter 5.54 of the Marin County Code is hereby set forth for voter approval to read as follows:

5.54.010: Definitions.

For purposes of this chapter, unless it is plainly evident from the context that a different meaning is intended, the following terms used in this chapter are defined as follows:

- (a) "Business" means all professions, trades, occupations, gainful activities, and all and every kind of calling, whether or not carried on for profit.
- (b) "County" means the County of Marin generally and the unincorporated area of the county particularly, depending on the context in which it is used.
- (c) "Collector" means the Treasurer-Tax Collector of the County of Marin.
- (d) "Gross receipts" means the total amount of the sale price of all sales and the total amount charged or received for the performance of any act or service of whatever nature for which a charge is made or credit allowed, whether such act or service is done as a part or in connection with the sale of materials, goods, wares, or merchandise. Gross receipts, as used in this chapter, shall mean the gross receipts of the year preceding the beginning of the annual license period. Included in gross receipts shall be all receipts, cash, credits, and property of any kind or nature, without any deduction therefrom on account of the cost of the property sold, the cost of the materials used, labor or service, costs, interest paid or payable, or losses or other expenses whatsoever. Excluded from gross receipts shall be:

- 1. Cash discounts allowed and taken on sales;
- 2. Credit allowed on property accepted as part of the purchase price and which property may later be sold;

- 3. Any tax required by laws to be included in or added to the purchase price and collected from the consumer or purchaser;
- 4. Such part of the sale price of property returned by purchasers upon rescission of the contract of sale as is refunded — either in cash or by credit;
- 5. Amounts collected for others where the business is acting as an agent or trustee, to the extent that such amounts are paid to those for whom collected and provided the agent or trustee has furnished the collector with the names and addresses of the others and the amounts paid to them;
- 6. That portion of the receipts of a general contractor which represents payments to subcontractors, provided that such subcontractors are licensed under this chapter, if required, and provided the general contractor furnishes the collector with the names and addresses of the subcontractors and the amounts paid each subcontractor;
- 7. That portion of gross receipts which has been the measure of a license tax paid to any other entity for sales transacted outside the unincorporated area of the county, provided it fairly represents an apportionment of the taxable activity conducted in the taxing jurisdictions.

(e) "Peddler" means any hawker, vendor, or other person who goes from house to house or from place to place or in or along the streets within the county selling and making immediate delivery or offering for sale and immediate delivery any goods, wares, merchandise or any thing of value in his possession to persons other than manufacturers, wholesalers, jobbers or retailers in such commodities.

(f) "Person" means all domestic and foreign corporations, associations, syndicates, joint stock corporations, partnerships of every kind, clubs, merchandise, business, or common-law trusts, societies and individuals transacting and carrying on any business in the county other than as an employee.

(g) "Retail trade" means every business conducted for the purpose of selling or offering to sell any goods, wares, or merchandise, other than as a part of a "wholesale business" as defined in subsection (j) of this section.

(h) "Solicitor" means a person engaged in soliciting, canvassing, or taking orders from house to house or from place to place or by telephone or by any other means of communication for any goods, wares, merchandise, or any article to be delivered in the future or for services to be performed in the future or making, manufacturing, or repairing any article whatsoever for future delivery or for subscriptions to periodicals or tickets of admission to entertainment or memberships in any clubs.

(i) "Sworn statement" means an affidavit sworn to before a person authorized to take oaths or a declaration or certification made under penalty of perjury.

(j) "Wholesale and manufacturing trade" means every business conducted solely for the purpose of selling or manufacturing goods, wares or merchandise in wholesale lots for resale.

5.54.020: Business license required. Subject to the provisions of this chapter, there is imposed upon all business transacted in the unincorporated area of the county, a business license tax in the amounts provided in this chapter.

It is unlawful for any person to commence, transact, engage in, or carry on any business in the unincorporated area of the county without first having obtained a valid license and paid the license tax, or without complying with any and all applicable provisions to this chapter. Compliance with such requirements shall not be construed to be a condition precedent to engaging in any business or corporation within the county where the imposition of such a condition precedent would be contrary to law.

When any person shall by use of signs, circulars, cards, telephone book, or newspapers, advertise, hold out, or represent that he is in business in the county, or when any person holds an active license or

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(Full Text of Measure B Continued)

permit issued by a governmental agency indicating that he is in business in the county, and such person fails to deny by a sworn statement given to the collector that he is not conducting a business in the county, after being requested to do so by the collector, then these facts shall be considered prima facie evidence that he is conducting a business in the county.

5.54.030: Intent-Revenue measure. The ordinance codified in this chapter is enacted solely to raise revenue for general governmental purposes in accordance with Revenue and Taxation Code Section 7284 and is not intended to license or tax for regulation.

5.54.040: License subject to other regulations and fees. Persons required to pay a license tax for transacting or carrying on any business under this chapter shall not be relieved from the payment of any fees for the privilege of carrying on any similar or related activity required under any other ordinance of the county and shall remain subject to the regulatory provisions of other ordinances.

No person shall be entitled to a business license, and the collector shall not issue a business license to any person commencing business, unless and until said person shall have complied with all applicable county ordinances.

No license shall be issued covering any food or drink dispensing establishment or restaurant, until the applicant has obtained clearance from the Marin County Department of Public Health.

5.54.050: Proportionality. Nothing contained in this chapter shall be deemed to impose a tax which does not fairly reflect that portion of the taxed activity actually carried on within the unincorporated area of the county.

5.54.060: License and penalties constitute debt to county. The amount of any license tax and penalty imposed by the provisions of this chapter shall be deemed a debt to the county. An action may be commenced in any court of competent jurisdiction for the amount of any delinquent license tax and penalties.

5.54.070: Application procedure. Every person required to have a license under the provisions of this chapter shall make application for the same to the collector providing such information and in such manner as may be required by the collector.

5.54.080: Statement of gross receipts. In all cases where the amount of the license tax to be paid is measured by gross receipts, the applicant for a license shall furnish to the collector a sworn statement setting forth such information as is required and as may be necessary to determine the amount of the license tax to be paid by the applicant.

Upon making application for the first license to be issued hereunder, or for a newly established business, a person shall estimate the gross receipts for the period to be covered by the license to be issued. Such estimate, if accepted by the collector as reasonable, shall be used in determining the amount of license tax to be paid by the applicant.

The applicant for the renewal of a license shall submit to the collector a sworn statement setting forth such information concerning the applicant's business during the preceding year as may be required by the collector to enable him to ascertain the amount of the license tax to be paid by the applicant.

5.54.090: Separate license for each place or type of business. A separate license must be obtained for each branch establishment or location of the business transacted and carried on and for each separate type of business at the same location and each license shall authorize the licensee to transact and carry on only the business licensed thereby at the location or in the manner designated in such license; provided that warehouses and distributing plants used in connection with and incidental to a business licensed under the provisions of this chapter shall not be deemed to be separate places of business or branch establishments; and provided further that any person conducting two or

more types of business at the same location and under the same management, or at different locations, but which businesses use a single set or integrated set of books and records may, at his option, pay only one tax calculated on all gross receipts of the businesses under the schedule that applies to the type of business of such person which requires the highest payment on such gross receipts, except that a license fee of \$5.00 for each additional branch, location, or type of business shall be paid upon issuance.

5.54.100: Information confidential. The collector or any of his authorized representatives shall not disclose in any manner whatever the business affairs, operations, or information obtained by an investigation of records and equipment of any person required to obtain a license or pay a license tax under the provisions of this chapter or divulge the amount or source of income, profits, losses, expenditures, or any particular thereof set forth in any statement or application, or permit any statement or application, or copy of either, or any other document relating thereto which contains specific information as to the amount or source of income or expenditures of any person obtaining a license, to be seen or examined by any person. Nothing in this section shall be construed to prevent the disclosure to, or examination of records by, another county agent for the sole purpose of administering or enforcing any of the provisions of this chapter or auditing of accounts of the collector, federal or state officials, or a grand jury or court of law upon subpoena or in a proceeding to determine the existence or amount of any license tax liability of the particular licensee. The disclosure of the names and addresses of persons to whom licenses have been issued and the general type of their business, together with general statistics regarding business taxes collected or business done in the county, is not prohibited.

5.54.110: Failure to file statement. If any person subject to the tax imposed by this chapter fails to submit information required by the collector necessary to determine the license tax due and payable, or if the collector is not satisfied with the information supplied and statement filed, the collector may determine the amount of license tax due from such person by means of such information as is available.

If such determination is made, the collector shall give a notice of the amount so assessed by serving it personally or by depositing it in the United States Post Office, postage prepaid addressed to the person so assessed at the person's last known address.

5.54.120: License tax-Persons with fixed place of business in county. Every person who engages in business at a fixed place of business within the county shall pay a license tax based upon gross receipts at the following rates and in the following classifications:

GROSS RECEIPTS:		Class A	Class B	Class C	Class D
0	7,500	15.00	22.50	22.50	30.00
7,501	15,000	30.00	45.00	60.00	30.00
15,001	25,000	45.00	67.50	90.00	30.00
25,001	50,000	60.00	90.00	120.00	50.00
50,001	100,000	100.00	150.00	200.00	75.00
100,001	250,000	150.00	200.00	300.00	100.00
250,001	500,000	300.00	385.00	450.00	100.00
500,001	750,000	450.00	562.50	675.00	150.00
750,001	1,000,000	600.00	750.00	900.00	150.00
1,000,001	2,000,000	800.00	1,000.00	1,200.00	200.00
2,000,001	3,000,000	1,000.00	1,250.00	1,500.00	300.00
3,000,001	4,000,000	1,200.00	1,500.00	1,500.00	400.00

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GROSS RECEIPTS:		Class A	Class B	Class C	Class D
4,000,001	5,000,000	1,400.00	1,750.00	2,100.00	500.00
5,000,001	10,000,000	2,000.00	2,500.00	3,000.00	700.00
10,000,001	25,000,000	3,000.00	3,750.00	4,500.00	1,500.00
25,000,001	& UP	3,000 + .01%	3,750 + .01%	4,500 + .01%	2,000+ .01%

CLASSIFICATIONS

Class A

- Automobile repair and services
- Construction--General and special contractors and operative Builders
- Laundry, dry cleaning, and garment services
- Manufacturing
- Retail trade

Class B

- Amusement and recreation services, including motion pictures
- Architectural services
- Beauty shops, barbers, hairstylists
- Engineering services
- Landscape and horticultural services
- Operators, renters and lessors of commercial property
- Services to buildings

Class C

- Accounting, auditing and bookkeeping services
- Financial services
- Insurance brokers and services
- Legal services
- Management and public relations services
- Medical and health services
- Real estate agents, brokers, managers and services
- Wholesale trade

Class D

- Agriculture, producers of food fiber, aquaculture and fisheries
- Nurseries, tree farms, etc.

5.54.130: License tax--Persons without fixed place of business in the county. Every person who does not have a fixed place of business within the county and is not otherwise licensed or classified by this chapter, who delivers any service by the use of vehicles in the county, except general and special construction contractors, shall pay a license tax as follows:

<u>Capacity</u>	<u>Rate per Vehicle</u>
Not exceeding 1/2 ton	\$ 22.50
Over 1/2 ton to 1 ton	37.50
Over 1 ton to 1-1/2 ton	75.00
Over 1-1/2 ton to 2 ton	112.50
Over 2 ton to 3 ton	150.00
Over 3 ton	225.00

Every person who does not have a fixed place of business within the county who engages in business within the county and is not subject to the provisions of this section shall pay a license tax at the same rate prescribed in Section 5.54.120 for a fixed place of business within the county, based on the gross receipts derived from the business transacted in the county, provided, however, a person showing proof of payment pursuant to the provisions of Section 5.12.030 shall be entitled to a credit for the amount of such payment on the business license tax otherwise payable hereunder.

5.54.140: License tax--Flat rate. Every person transacting and carrying on the businesses enumerated in this section shall pay a license tax as follows:

Auctioneers. Auctioneers without a fixed place of business in the county, \$500.00 per year or, at the option of the licensee, \$50.00 per day;

Carnivals, Fairs. \$400.00 for the first day and \$300.00 for each additional day, for the first ten (10) or fewer concessions plus \$60.00 for the first day and \$40.00 for each additional day for each concession in excess of ten. For the purpose of this section "concession" shall be any amusement ride, booth, exhibit, stall, tent, trailer or stand which charges any fee for the ride, service or product offered;

Christmas Tree Lots. Every person engaged in the business of selling or offering for sale Christmas trees at retail shall pay a business license tax of \$45.00 per year;

Circuses. \$750.00 for the first day and \$562.50 per day for each additional day;

Commercial Filming. On county roads or other county property, as follows:

<u>Persons Employed at Location</u>	<u>Rate per Day</u>
1 - 3	\$ 150.00
4 - 6	300.00
7 - 9	600.00
10 and over	900.00

Traffic-control costs or any additional costs as required by the sheriff and fire department shall be paid entirely by the applicant;

Living Accommodations. Every person transacting or engaged in the operation of a hotel, motel, apartment, rooming house, autocourt, house for rent, or other living accommodations shall pay an annual fee of \$15.00 per dwelling unit;

Peddlers or Solicitors. \$500.00 per year;

Taxicab. \$60.00 per vehicle per year.

5.54.150: Business classification not specified. The license tax applicable to a business not expressly set forth in this chapter shall be that license fee applicable to the business expressly set forth in this chapter which, in the opinion of the collector, is most nearly comparable.

5.54.160: Payment--Due date. Unless otherwise specifically provided, the following shall apply:

- An annual license tax under the provisions of this chapter shall be due and payable in advance on the first day of July of each year.
- A license tax covering a new operation commencing July 1st to September 30th shall pay the entire business tax; from October 1st to December 31st shall pay 75 percent of the license tax; from January 1st to March 31st shall pay 50 percent of the license tax and from April 1st to June 30th shall pay 25 percent of the license tax.

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(c) A flat-rate license tax shall be payable in advance of the business activity.

(d) The collector is not required to send a renewal, delinquency, or other notice or bill to any person subject to the provisions of this chapter; and failure to send such notice or bill shall not affect the validity of any license tax or penalty due under the provisions of this chapter.

5.54.170: Penalties.

(a) For failure to pay an annual license tax when due, the collector shall add a penalty of 10 percent of said license tax on the first day of the month following the due date thereof and 10 percent on the first day of each month thereafter while the fee remains unpaid; provided that the amount of such penalty to be added shall in no event exceed 50 percent of the amount of the license tax due.

(b) Any flat-rate license tax which has not been paid by 4:00 p.m. on the day due shall have added to the amount thereof a penalty of 25 percent.

(c) If any person has failed to apply for and secure a valid license to operate a business, the business license tax due shall be that amount due and payable from the first date on which the person was engaged in business in the county together with applicable penalties.

(d) Where an audit or inspection of the books or records of a business reveals that the amount of license tax paid for any license tax period is less than the amount which was actually due pursuant to this chapter, it shall be deemed for purposes of this section that, to the extent of such deficiency, there was a failure to pay a license tax when due. Penalties as provided in this section shall be assessed from the date when said deficiency was required to be paid pursuant to this chapter.

(e) Should court action be required to collect any license tax or penalties, the defendant shall be liable for costs of suit, including attorney's fees. The penalties shall be added to the license tax and the same shall become due and payable and collected along with the delinquent license tax.

(f) Any person who violates any of the provisions of this chapter or knowingly or intentionally misrepresents to any officer or employee of the county any material fact in procuring a license provided for in this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine of not more than \$500.00 or by imprisonment in the county jail for a period of not more than six (6) months, or by both such fine and imprisonment.

Section 5.54.180: Exemption--Generally. Nothing in this chapter shall be deemed or construed to apply to any person transacting and carrying on any business exempt by virtue of the Constitution or applicable statutes of the United States, or of the State of California.

Any person claiming an exemption pursuant to this chapter shall file a sworn statement with the collector stating the facts upon which exemption is claimed and shall furnish such information and verification as may be required. In the absence of such statement substantiating the claim, such person shall be liable for the payment of the license tax imposed by this chapter. The collector, after giving notice and a reasonable opportunity for hearing to a licensee, may revoke any license granted pursuant to the provisions of this section upon information that the licensee is not entitled to the exemption as provided in this chapter.

5.54.190: Exemption--Nonprofit corporation, association, etc. No business license under this chapter shall be required of any nonprofit institution, corporation, organization, or association organized or conducted for nonprofit purposes only, when the receipts derived are to

be wholly for the benefit of such organization and not in whole or part for the private gain of any person. This exemption shall not apply to promoters employed by such nonprofit institutions, corporations, or associations.

5.54.200: Exemption--Limited income. No business license shall be required of a person doing business and drawing social security benefits whose gross receipts do not exceed the maximum income allowed by Title 42, U.S. Code, Section 403(f)(3). Minors and adults over the age of 65 years engaged in a business with gross receipts under \$2,000 per year are not required to obtain a business license.

5.54.210: No license transferable--Amended license for changed location or owner. No license issued pursuant to this chapter is transferable; provided that, where a license is issued authorizing a person to carry on a business at a particular place, such license may, upon application therefor and payment of a fee of \$5.00, be amended to authorize the transaction of such business at some other location to which the business is or is to be moved. Change of ownership must be recorded by filing of application and payment of a \$5.00 fee. Change in the name of the business must be recorded by filing of application and payment of a \$5.00 fee.

5.54.220: Duplicate license. A duplicate license may be issued by the collector to replace any license previously issued under this chapter which has been lost or destroyed upon the licensee filing statement of such fact and, at the time of filing such statement, paying to the collector a fee of \$5.00 for a duplicate license.

5.54.230: Refunds. No license tax collected under the provisions of this chapter shall be refundable in any manner, except that if the licensee shall establish to the satisfaction of the collector that he has overpaid his license tax and, within a period of one year from the day on which the overpayment was made, files with the collector a claim for refund of such overpayment, the collector may refund the amount so overpaid.

5.54.240: Posting and keeping licenses. Any licensee transacting and carrying on a business at a fixed place of business in the county shall keep a license posted in a conspicuous place upon the premises where such business is carried on.

Any licensee transacting and carrying on business but not operating in a fixed place of business in the county shall keep the license upon his person at all times while on such business in the county.

5.54.250: Enforcement.

(a) It shall be the duty of the collector to enforce the provisions of this chapter. The sheriff and the fire department shall render such assistance as may, from time to time, be required by the collector.

(b) The collector, his deputies, or any deputy sheriff shall have the power and authority to enter, free of charge, and at any reasonable time, any place of business required to be licensed under this chapter, and demand an exhibition of its license certificate. Any person who has the license certificate in his possession or under his control who willfully fails to exhibit the same on demand is guilty of a misdemeanor and subject to the penalties provided in this chapter. It shall be the duty of the collector and each of his assistants to cause a complaint to be filed against any and all persons found to be violating any of the provisions of this chapter.

(c) All persons subject to the provisions of this chapter shall keep complete records of business transactions, including sales receipts, purchases and other expenditures, state and federal income tax returns, including schedules and records included in such returns. Such persons shall retain such records for examination by the collector and maintain them for a period of at least three years. No person required under this section to keep records shall refuse to allow authorized representatives of the collector to examine said records at reasonable times and places.

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5.54.260: Appeals. Any person aggrieved by any decision of the collector with respect to the issuance of or refusal to issue such license may appeal to the Board of Supervisors by filing a notice of appeal with the Clerk of the Board of Supervisors. The Board shall thereupon fix a time and place for a public hearing of such appeal. The Clerk of the Board of Supervisors shall give notice to the appellant of the time and place of hearing by serving it personally or by depositing it in the United States Post Office, postage prepaid, addressed to the appellant at his last known address. The Board of Supervisors shall, after hearing, determine all questions raised by the appeal.

5.54.270: Rules and regulations. The collector may adopt rules and regulations which are not inconsistent with the provisions of this chapter, as may be necessary or desirable to supplement or clarify such provisions or aid in their enforcement.

The rules and regulations shall be known as "Business License Rules and Regulations" and shall be placed in written form and numbered consecutively. A copy of the "Business License Rules and Regulations" shall be filed with the Clerk of the Board of Supervisors.

5.54.280: Remedies cumulative. All remedies prescribed under this chapter shall be cumulative and the use of one or more remedies by the county shall not bar the use of any other remedy for the purpose of enforcing the provisions of this chapter.

SECTION II. NATURE OF TAX. If approved by a majority of these electorate voting on the measure, the ordinance will continue the current business license tax. The business license tax is a general revenue tax imposed upon every kind of lawful business transacted in the unincorporated area of the county, including shows, exhibitions, and games. If approved by a majority of the electorate voting on the measure, the ordinance will continue the current taxing scheme and methodology. If rejected by the electorate voting on the measure, the business license tax would be eliminated. The tax, if approved, would be collected in the same manner as it has historically been collected. The collection of tax from persons doing business in the unincorporated areas of the County would be administered by the Marin County Tax Collector as provided in Chapter 5.54, Title 5 of the Marin County Code.

SECTION III. GENERAL TAX. The business license tax imposed by this ordinance is a general tax within the meaning of Government Code section 53721 and Article XIII C, section 1(a) of the California Constitution. The revenue generated by this general tax is available for general governmental purposes. To that end, the Auditor-Controller is instructed to deposit the revenue from the tax into the County General Fund and to include his estimate of the revenue from this general tax, together with his estimates of other revenue sources, in the tabulation that he is annually required to prepare by Government Code section 29060. The revenue from this general tax shall be available to the Board of Supervisors for annual appropriations in the County's budget for any lawful expenditure. Nothing in this ordinance nor in any other ordinance, advisory measure, resolution, or policy shall be construed as limiting, in any way, the amount or the objects of the appropriations and expenditures that can be made from the revenue of the tax nor be construed as creating a continuing appropriation.

SECTION IV. SEVERABILITY. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

SECTION V. ELECTION. An election shall be held on March 2, 2004, on the issue of continuing the current business license tax. If the measure is defeated, the business license tax would be eliminated. The tax, if approved, would be collected in the same manner as it has historically been collected.

SECTION VI. EFFECTIVE DATE. This ordinance shall take effect immediately upon its adoption by a majority of the electorate voting on the ordinance at the March 2, 2004 general election.

Approved by resolution of the Board of Supervisors of the County of Marin on the ____ day of _____, 2004, by the following vote, for adoption by the electorate at the election of March 2, 2004:

AYES:
NOES:
ABSENT:

PRESIDENT OF THE BOARD OF SUPERVISORS

ATTEST: _____
Clerk

MEASURE B CONTINUED ON NEXT PAGE

**IMPARTIAL ANALYSIS BY COUNTY COUNSEL
MEASURE B**

**CONTINUATION OF THE BUSINESS LICENSE TAX IN
THE UNINCORPORATED AREA OF MARIN COUNTY**

The California Constitution and the Government Code authorize the County, upon a majority vote, to levy a general tax. The Revenue and Taxation Code authorizes the County to levy a tax on business transacted in the unincorporated areas of the County.

In 1991, a business license tax was established by the Board of Supervisors. In order to ensure that the business license tax is in compliance with state law as interpreted by the California Supreme Court, the Board of Supervisors submits this measure to the electorate.

Although the tax is collected only in the unincorporated areas of the County, the law requires that there be a Countywide vote on the question of continuing collection of the tax.

This measure would authorize the continuation of the business license tax that was adopted by the Board of Supervisors in 1991. If the measure does not pass, the business license tax will expire.

A "yes" vote on this measure would allow the continued collection of the business license tax in the unincorporated areas of the County.

A "no" vote on this measure would not allow the continued collection of the business license tax in the unincorporated areas of the County.

This measure passes if a majority voting on the measure vote "yes".

Dated: December 15, 2003

PATRICK K. FAULKNER
County Counsel

ARGUMENT IN FAVOR OF MEASURE B

A YES vote on Measure B will ensure that an existing source of revenue for vital Marin County services will continue. This is not a new tax. Your YES vote will continue the existing business license tax for the unincorporated areas only (areas outside the boundaries of any city or town in the county). The tax is paid only by persons who apply for, or renew, a business license in those unincorporated areas.

In 1991, the Board of Supervisors approved a Business License Tax for businesses that are located or operate in the unincorporated area of Marin County, except for nonprofit organizations and certain limited-income businesses. Most local governments impose a business tax to partially offset the costs of regulating and providing services to local businesses. In total, this tax raises approximately \$900,000 annually to support vital County services such as Sheriff patrol, fire suppression, emergency medical, healthcare and other community services. Adoption of this measure is requested because Proposition 62 requires voter approval for general tax increases after 1986. Failure to pass this measure would require a reduction in County services at a time when the County is at risk of losing millions in revenues because of the State fiscal crisis. Taxes will not be increased by passing this measure and the County will be able to continue collection of these revenues for vital community services.

s/ Annette Rose
President Marin County Board of Supervisors

s/ Larry Meredith
Director of Health & Human Services

s/ Robert T. Doyle
Sheriff

s/ Kenneth Massucco
Marin County Fire Chief

s/ Linda Compton
Executive Director Whistlestop

**NO ARGUMENT AGAINST THIS MEASURE
WAS SUBMITTED**

END OF MEASURE B