

MEASURE SUBMITTED TO THE VOTERS

MUNICIPAL

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

F Shall an ordinance be adopted approving a special Fairfax municipal services tax of \$125 per year for each business occupancy and dwelling unit, for a period of five years, to be used exclusively to:

- maintain 24-hour, seven days per week staffing of the Fairfax Police Station and Fire House
- maintain Fairfax's 911 Emergency Dispatch
- perform Public Works safety improvements
- restore funding for Youth Services and establish a citizens' oversight committee?

**TOWN OF FAIRFAX
ADOPTION OF SPECIAL MUNICIPAL
SERVICES TAX
FULL TEXT OF ORDINANCE
MEASURE F**

ORDINANCE NO. 711

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 to maintain 24-hour, seven days per week staffing of the

Fairfax Police Station and Fire House, to maintain Fairfax's 911 Emergency Dispatch, to perform Public Works safety improvements, and to restore funding for Youth Services.

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, and shall be in full force and effect thirty (30) days from and after its final passage and adoption.

The foregoing Ordinance was approved by the voters of the Town of Fairfax at a special election held on the 7th day of June, 2005, by the following vote tally:

YES:

NO:

LEW TREMAINE, MAYOR

Attest:

Judith Anderson, Town Clerk

MEASURE F CONTINUED ON NEXT PAGE

**IMPARTIAL ANALYSIS BY TOWN ATTORNEY
MEASURE F**

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 maintaining 24-hour, seven days per week staffing of the Fairfax Police Station and Fire House, maintaining Fairfax's 911 Emergency Dispatch, performing Public Works safety improvements, restoring funding for Youth Services and establishing a citizens' oversight committee to ensure that the tax revenue is spent accordingly.

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.

Dated: March 21, 2005

JOSEPH J. BRECHER
Town Attorney

**ARGUMENT IN FAVOR OF
MEASURE F**

THE FAIRFAX WE KNOW AND LOVE IS THREATENED

In recent years, Sacramento has diverted \$2,800,000 in Fairfax tax dollars while balancing its budget on the backs of local governments. Consequently, Fairfax's ability to provide outstanding and cost effective Fire and Police protection, to attract money for road, pedestrian and bicycle improvements, and to provide youth services, is in peril.

Imagine Fairfax without its own Fire and Police departments. Picture Fairfax patrolled by Sheriff's cruisers from Kentfield or protected by fire crews responding from Woodacre. Unimaginable!

Think how tragic it would be to lose \$750,000 in already approved grants for roads and Safe Routes to School improvements because we couldn't afford the 10% matching funds. Or if we couldn't restore our modest youth services program. Unthinkable!

Our Fairfax Town Council placed Measure F, a \$125 per year special tax that expires in five years, on the June 7th ballot to keep the unimaginable and unthinkable from becoming reality.

Measure F is truly for Fairfax. Sacramento can't touch these funds, and the measure mandates a Citizen's Oversight Committee to monitor their use. Look at the Town's successful use of Measure K funds, to fix our aging roads and storm drains. Through wise spending of these funds by our Town Council, with the guidance of an oversight committee like the one for Measure F, Fairfax recently won the MTC award for most improved roads in the Bay Area.

- Preserve our 24/7 Fairfax Police Department
- Protect our excellent Ross Valley Fire Services
- Provide matching funds to save \$750,000 in approved grant money
- Restore youth services
- Ensure our ability to make emergency safety repairs to our roads and walkways

We need all who love Fairfax to join together to keep our Town ours.

Help save Fairfax, the last vestige of "Old Marin".

PLEASE JOIN US IN VOTING YES ON MEASURE F

s/ Rose Taber, Local Business Owner

s/ John Reed, Fairfax Volunteer Board Member

s/ Deb Hubsmith, Advocate for Pedestrians, Bicyclists
and Safe Routes to Schools

s/ Holly Dines, High School counselor/Manor Parent

s/ Mary Jo Rice, Chair-Save Cascade Ridge

**NO ARGUMENT AGAINST THIS
MEASURE WAS SUBMITTED**

END OF MEASURE F