

MEASURE SUBMITTED TO THE VOTERS

MUNICIPAL

**TOWN OF SAN ANSELMO
SPECIAL MUNICIPAL SERVICES TAX
MEASURE B**

B Shall an ordinance be adopted approving a special San Anselmo municipal services tax of \$250 per year per living unit and per 1500 square feet of nonresidential use, for a period of four years, to be used to:

- Restore and maintain Police, Parks, and Library staffing and services,
- Maintain minimum staffing at San Anselmo fire stations,

Increasing the appropriations limit by the amount of said tax for the next four years and establishing a citizens' oversight committee?

**TOWN OF SAN ANSELMO
SPECIAL MUNICIPAL SERVICES TAX
FULL TEXT OF ORDINANCE
MEASURE B**

ORDINANCE NO. _____

**AN ORDINANCE OF THE PEOPLE OF THE TOWN OF
SAN ANSELMO, CALIFORNIA, ADOPTING A SPECIAL
MUNICIPAL SERVICES TAX BY ADDING A NEW
CHAPTER 6 "SPECIAL MUNICIPAL SERVICES TAX"
TO TITLE 8 OF THE SAN ANSELMO MUNICIPAL CODE**

**THE PEOPLE OF THE TOWN OF SAN ANSELMO DO ORDAIN AS
FOLLOWS:**

SECTION 1. ADDITIONS TO CODE. A new Chapter 6 entitled "Special Municipal Services Tax" is hereby added to the San Anselmo Municipal Code as follows:

8-6.01 Title

This chapter shall be known as the "Special Municipal Services Tax Law of the Town of San Anselmo."

8-6.02 Necessity, Authority, and Purpose

The Council hereby determines that the cost to maintain basic services at the level required to provide for the health, safety, and general welfare of the residents of the town exceeds the amount of funds and revenues generated from all other sources. The Council further determines that the levy of a special municipal services tax for a period of four years on improved real property throughout the town is necessary to maintain an adequate level of basic services. Accordingly, a tax is imposed by this chapter pursuant to Section 37100.5 of the Government Code of the State.

8-6.03 Tax imposed

A special municipal services tax not exceeding the maximum amounts set forth in this section is hereby imposed effective July 1, 2006 and levied on all improved real property within the boundaries of the Town at the maximum flat rate of two hundred fifty and no/100ths (\$250.00) Dollars per year per living unit and per 1,500 square feet of structure of nonresidential use, except that the tax derived from a nonresidential structure seventy-five (75%) percent or more occupied by a single enterprise or institution shall not exceed \$3,000.

8-6.04 Levy by Council resolution

Prior to August 10 of each year, the Council by resolution shall determine and fix the precise amount of tax to be levied during the current fiscal year. Such tax shall not exceed the maximum amount set forth in Section 8-6.03 of this chapter.

8-6.05 Increase Appropriations Limit

Constitution Article XIII B, the appropriations limit for the Town of San Anselmo will be increased one times the aggregate sum authorized to be levied as a special tax in each of the years covered by this ordinance.

8-6.06 Use of County Records

The records of the County Assessor as of March 1 each year may be used to determine the actual use of each parcel of real property and, as applicable, the structural square feet for the purposes of determining the tax imposed by this chapter.

8-6.07 Personal Liability

The tax levied and imposed by this chapter shall be collected by the County Tax Collector at the same time as, and along with, the property taxes collected by the County Tax Collector; however, the tax shall not become a tax lien on the property against whose owner the tax is assessed. The owner of the property shall be personally liable for nonpayment of the tax.

8-6.07.1 Deposit and Use of Funds from Special Municipal Services Tax

All proceeds from the taxes imposed and levied by this chapter shall be paid into the "Special Municipal Services Tax Fund" to be used exclusively to restore and maintain Police, Parks and Library staffing and services and to maintain minimum staffing at the San Anselmo Fire Stations.

8-6.07.2 Reporting

A Citizens' Oversight Committee shall be established to monitor the annual expenditures from the special tax. The Finance & Administrative Services Director shall file a report with the Town Council no later than January 1 of each year, beginning in 2008, containing the amount of funds collected and expended and the status of any project to be funded by the special tax.

8-6.08 Partial invalidity

If any section, subsection, sentence, phrase, or clause of this chapter is for any reason held by any court to be invalid, such invalidity shall not affect the remaining portions of this chapter. The Council hereby declares that it would have adopted this chapter, and each section, subsection, sentence, phrase, or clause thereof, irrespective of the fact any one or more sections, subsections, sentences, phrases, or clauses be declared for any reason invalid.

8-6.09 Tax Equity Board

The Tax Equity Board established by resolution of the Council shall receive and act upon applications for full or partial rebates for persons claiming inability to pay the tax provided for in this chapter.

8-6.10 Exemptions

Improved property used exclusively for educational, hospital, scientific, charitable, or religious purposes owned and operated by institutions, foundations, or corporations organized and operated for educational, hospital, scientific, charitable, or religious purposes shall be granted an exemption to the tax imposed by this chapter on proof that any such organization has first qualified as an exempt organization under subsection (d) of Section 23701 of the Revenue and Taxation Code of the State and subsection (3) of subsection (c) of Section 501 of the Internal Revenue Code of 1954.

The exemption provided for by this section shall be effective from and after November 8, 2005.

8-6.11 Penalty for disclosure of information on applications for rebate of municipal service tax

Any person disclosing the name of any person and any financial information obtained from an application for a rebate of a municipal service tax shall be guilty of an infraction.

SECTION 2. CURRENT CHAPTER 6. The current Chapter 6 "Claims and Suits for Refunds of Taxes, Fees, Assessments and Levies" is hereby renumbered Chapter 7.

MEASURE B CONTINUED ON NEXT PAGE

(Full Text of Measure B Continued)

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. The special municipal services tax will be assessed beginning fiscal year 2006-07.

The foregoing Ordinance was approved by the voters of the Town of San Anselmo at the Consolidated General District and School Election held on the 8th day of November, 2005, by the following vote tally:

YES:

NO:

Peter Breen, Mayor

ATTEST:

Barbara Chambers, Town Clerk

IMPARTIAL ANALYSIS BY TOWN ATTORNEY MEASURE B

Measure B enacts by ordinance a Special Municipal Services Tax to be levied on all improved real property within the boundaries of the Town of San Anselmo. The tax is proposed at the rate of \$250 per year per residential living unit and per 1,500 square feet of structure of nonresidential use, effective July 1, 2006. This measure requires a two-thirds majority to pass and terminates 4 years from its effective date.

Under the ordinance, all proceeds from the taxes imposed are to be paid into a "Special Municipal Services Tax Account" to be used exclusively to restore and maintain Police, Parks and Library staffing and services and to maintain minimum staffing at the San Anselmo Fire Stations.

The Town's Finance and Administrative Services Director is to report annually to the Town Council on the amount of funds collected and expended and the status of any project to be funded by the special tax.

A Citizen's Oversight Committee is to be established to monitor the annual expenditures from the special tax and to ensure they are made in accordance with the requirements of the ordinance.

Persons of low-income may apply for a full or partial rebate of the tax payment, to be decided by the San Anselmo Tax Equity Board. Property used exclusively for educational, charitable or religious purposes is granted an exemption to the tax.

The State places limits on the amount of revenue that can be collected by cities and towns based on a calculation known as the appropriations limit. Therefore, voters are asked to approve an increase in the appropriations limit to authorize the additional revenue.

HADDEN ROTH
San Anselmo Town Attorney

**ARGUMENTS FOR AND AGAINST
THIS MEASURE
START ON THE NEXT PAGE**

MEASURE B CONTINUED ON NEXT PAGE

ARGUMENT IN FAVOR OF MEASURE B

In San Anselmo, we've always been proud of our community - its neighborhoods, its civic character, our quality of life. But, the Town, like many other California cities, is currently facing a severe fiscal crisis. Consequently, San Anselmo's ability to provide quality services is in peril.

In recent years Sacramento has diverted \$5 million in San Anselmo tax dollars while balancing the State budget on the backs of local government.

During the last three years, the Town has reduced expenses by leaving eight positions vacant and deferring capital projects, equipment purchases and employee raises, as well as increasing revenue where possible.

But it isn't nearly enough. The Fiscal Advisory Committee appointed to review the Town's financial situation found that the Town has been in a tight expense reduction mode for three years, with nothing left to cut without greatly impacting Town services.

The San Anselmo Town Council placed Measure B, a \$250 per year special municipal services tax that expires in four years, on this ballot to sustain current Town services.

The revenue from this tax, approximately \$1.6 million per year, will be spent to restore and maintain adequate Police, Library and Parks staffing and services. It will also maintain minimum safety staffing levels at the two San Anselmo fire stations.

Measure B will ensure that San Anselmo's ability to provide outstanding and cost effective police and fire protection is not compromised. It will ensure that our parks are well-maintained and that the Library remains open.

Measure B is truly for San Anselmo. Sacramento can't touch these funds, and the measure mandates a Citizen's Oversight Committee to monitor their use.

We need all those who care about San Anselmo to join together to keep our Town great. We urge you to renew your commitment and protect your investment in San Anselmo. Please join us in voting Yes on Measure B.

s/ Peter Breen
Mayor, San Anselmo

s/ John D. Wright, Trustee
Tamalpais Union High School District

s/ Cynthia Barrows, Member
Friends of the San Anselmo Library

s/ Lori Lopin, Trustee
Ross Valley School District

s/ Jonathan Braun, Chair
San Anselmo Open Space Committee

REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE B

Measure B has no SUNSET DATE.

This \$250 Special Tax is effective 2006-2010, but the Tax Ordinance does not prohibit renewal.

Measure B has no restriction to prevent siphoning.

Attorneys opined Tamalpais School District *Measure A* facility renovation bond dollars could be used to develop the Ross Valley School District property because it was within the Tamalpais District.

State law *requires* an oversight committee review revenue and expenditures of a Special Tax, but the Council appoints the committee. **Once Measure B is approved, it will be too late to ever correct the deficiencies constructed into this bad tax law.**

VOTERS SHOULD VOTE NO ON MEASURE B
AND

SEND THIS BAD TAX ORDINANCE BACK TO THE TOWN COUNCIL.

- The San Anselmo Pension Override Property Tax generates more than \$1.2 million annually to pay 100% of the employer and employee share of the retirement expense.
- Union bargaining agreements stipulate San Anselmo and San Rafael employee total compensation packages must be within \$1 of one another.

Currently the \$78 per living unit Municipal Services Tax revenue purpose is to "maintain municipal services."

The proposed \$250 per living unit Special Municipal Services Tax revenue purpose is to "maintain basic services."

An attorney could define "basic services" as tax revenues that may be siphoned to compensate for special development projects.

Measure B

is a punishing tax amount and defective tax law,

is proposed by a fiscally reckless Council,

deserves your condemnation.

Voters of San Anselmo should **VOTE NO ON MEASURE B.**

s/ Louise Mathews
Taxpayer

s/ Lujza J. Mehling
Taxpayer

s/ Nancy Okada
Taxpayer

MEASURE B CONTINUED ON NEXT PAGE

ARGUMENT AGAINST MEASURE B

After our economy declined and the State began to fail to meet its scheduled revenue support, San Anselmo Town Council still focused on providing annual employee salary increases, costly pension entitlements and generous benefit packages for all Police, Staff and Management positions.

Town Council explored the concept of fiscal discipline by INCREASING Fees for:

Administration
Library
Recreation
Parks
Planning
Police
Public Works
Business License processing
the installation of public parking lot meters
and two types of Road Impact fees; generating revenue estimated at more than half a million dollars annually.

Council has now scheduled approval of negotiated employee contracts and the payment for two years' worth of deferred employee raises until after the November 2005 election. The Tax Ordinance language, "Maintain minimum staffing at fire stations" is also set by contract.

Council was asked to correct several deficiencies in this Tax Ordinance. Voters should examine two pertinent points that call into question a possible hidden intent of Council's interpretation of this Tax Ordinance.

- There is **no** Sunset Date for the Tax written into the Ordinance. The four-year term could be interpreted to be renewable at the end of each four-year term, without any future voter approval.
- There is **no** Restriction on the use of this Tax revenue that shall prohibit the Town officials from siphoning off Tax revenue to build and maintain the Red Hill Community Park. Ross Valley School District owns that site and will have sole ownership of \$2.5 million dollars worth of improvements.

Council chose not to remedy these two critical deficiencies in the Special Municipal Services Tax Ordinance language, deficiencies that violate the public's trust and are an assault upon limited taxpayer resources.

Voters of San Anselmo should **Vote NO** on **Measure B**.

s/ Louise Mathews
Taxpayer

s/ Lujza J. Mehling
Taxpayer

s/ Nancy Okada
Taxpayer

REBUTTAL TO ARGUMENT AGAINST MEASURE B

These are **the facts** about Measure B:

- Town employees have had no salary increases since July 2003.
- The pension plans that are in place were committed to in 2002 and have not been enhanced.
- Current employee benefits were committed to in 2002 and have not been increased.
- The Town's employees have agreed to extend existing contracts with no changes in order to assist the Town during this difficult fiscal period. No new negotiations have taken place. No new contracts have been discussed. No Town Council approvals are scheduled.
- Staffing at our two fire stations is at the minimum. This measure will allow us to maintain this minimum staffing.
- Extensive expenditure cuts have been made in all areas of Town operations, resulting in reduced services to the people of San Anselmo.
- Measure B **must** sunset in June 2010. By law, it **cannot** be renewed without another election before the voters of San Anselmo.
- The Town's financial commitment to Red Hill Community Park is \$100,000 in State Park Bond funds reserved exclusively for parks. The Town Council has consistently said that no general fund money will be spent for the park.

San Anselmo community members have repeatedly indicated that they want quality police and fire protection services, well maintained parks and a full service Library. Maintaining these services is a top priority for the Town. Protect your investment in San Anselmo.

Vote Yes on Measure B.

s/ Barbara Thornton
Vice-Mayor, San Anselmo

s/ Jeff Kroot
Councilmember, San Anselmo

s/ Ellin A. Purdom, Member
San Anselmo Volunteer Advisory Board

s/ Tom Boss, Founder
Film Night in the Park

END OF MEASURE B