

TOWN OF ROSS MEASURE D

D **MEASURE D:** Shall the voters of the Town of Ross adopt an ordinance replacing the prior municipal services tax with a special tax for maintaining public safety services for a period of four years at a lower maximum rate of \$950 per dwelling unit for single family residences and \$950 per parcel for all other uses, and increasing the Town’s appropriations limit by the amount of the special tax proceeds?

YES

NO

TOWN ATTORNEY’S IMPARTIAL ANALYSIS OF MEASURE D

This ballot measure proposes the adoption of an ordinance establishing a special tax in the Town of Ross that may be used only for public safety services. The proposed tax replaces the Town’s former Municipal Services Tax that has expired. The special tax will remain in effect for four years, expiring on June 30, 2017. As a special tax, two-thirds of the voters voting on the tax must vote in its favor for the tax to be adopted.

The maximum tax rate for the public safety tax is \$950 per improved parcel. The tax applies to parcels used for single family, multi-family, commercial and other non-residential purposes. The term “parcel” is defined by the ordinance to mean a parcel of real property having a separate assessor’s parcel number as shown on the last equalized assessment roll of Marin County. The ordinance requires that each year the Town Council must conduct a public hearing to determine the amount of the public safety tax based on the desired level of public safety services. However, the amount of the tax established each year by the Town Council cannot exceed the maximum rate approved by the voters.

The ordinance amends Chapter 3.20 of the Ross Municipal Code in its entirety by replacing the Municipal Services Tax with a Public Safety Tax. The ordinance provides that the tax will not be applicable to any parcel exempted by law, specifies the method of collection by the County of Marin on behalf of the Town of Ross, and requires that the maximum rate of the tax can be increased only with the approval of two thirds of the voters voting on the increase. The ordinance also increases the Town’s appropriation limit established by Article XIII B, Section 6 of the California Constitution which will allow the Town to spend the proceeds of this special tax.

The above statement is an impartial analysis of Measure D. If you desire a copy of the ordinance or measure, please call the Town Clerk at 415-453-1453, extension 105, and a copy will be mailed at no cost to you.

s/GREGORY STEPANICICH
Ross Town Attorney

ARGUMENT IN FAVOR OF MEASURE D

From 1984-2008, Ross residents approved a 4-year general tax supporting municipal services, including public safety services. With this tax’s failure to pass last June, the Town Council recognized it needed a clearer explanation of the Town’s expenses, and renewed confidence in Town actions.

The Council is implementing policies to ensure fiscal accountability, transparency and frugality, given increased regulation and costs affecting all California municipalities. An example is the Town’s recent consolidation with Ross Valley Fire Department, improving service and reducing cost.

Measure D does not create a new tax, but simply restores the revenue which has helped fund our public safety for nearly 30 years. Unlike many communities, Ross has only one main revenue source, property taxes.

It will be impossible to maintain adequate fire and police services without a 2/3 vote in favor of Measure D. If Measure D fails, the Council will be forced to eliminate 1/3 of the fire station staffing in Ross, as well as reduce the police department from as much as 7 officers to 4, or even outsource Police service to another town or the County of Marin. Reduction of force will result in slower response.

The actual tax rate is set during the annual budgeting process. Since 2007, the rate has been held at \$775. At that rate, Measure D would restore approximately \$640,000 for public safety and would be in effect from July 2013 – June 2017. The actual rate will be set at open hearings in May. Measure D reduces the maximum annual levy from \$1,000 to \$950 for residences and all improved parcels.

Vote YES on Measure D to maintain essential fire and police services. Police and fire department service levels are at risk.

s/P. RUPERT RUSSELL
Mayor

s/P. BEACH KUHL
Mayor Pro Tempore

s/PETER BREKHUS
Former Mayor

s/ELIZABETH ROBBINS, M.D.
Former President, Ross School Board of Trustees

s/JULIE McMILLAN
Former President, Ross School Board of Trustees

NO ARGUMENT AGAINST MEASURE D WAS SUBMITTED.

FULL TEXT OF MEASURE D

EXHIBIT A

TOWN OF ROSS

ORDINANCE NO. 635

AN ORDINANCE OF THE TOWN OF ROSS, CALIFORNIA, AMENDING CHAPTER 3.20 OF THE ROSS MUNICIPAL CODE TO AUTHORIZE THE LEVY OF A SPECIAL TAX TO FINANCE PUBLIC SAFETY SERVICES AND AUTHORIZING AN INCREASE IN THE APPROPRIATIONS LIMIT FOR THE TOWN OF ROSS THE PEOPLE OF THE TOWN OF ROSS, CALIFORNIA DO HEREBY ORDAIN AS FOLLOWS:

Section 1. Chapter 3.20 of the Ross Municipal Code is hereby deleted in its entirety and amended to read as follows:

**Chapter 3.20
Public Safety Tax**

Section 3.20.010 Authority, Purpose and Intent.

Pursuant to the authority of Government Code Section 37100.5, and other applicable law, there is hereby levied and assessed a special tax by the Town of Ross on all improved parcels of real property in the Town of Ross for each fiscal year. It is the sole purpose and intent of this chapter to impose a special tax for public safety services.

Section 3.20.020 Special Tax Imposed.

A special tax for the purpose specified in Section 3.20.010 of this chapter shall be imposed on all improved parcels of real property in the Town of Ross for each fiscal year, commencing with fiscal year 2013-2014. The maximum amount of the special tax for each fiscal year shall be as follows:

- a. Single Family Residential Uses: \$950 per dwelling unit on a parcel. For the purposes of this chapter, a dwelling unit means a building designed for or occupied by one family, including a dwelling unit under construction. A residential second unit duly registered with the Town of Ross, or any structure accessory to the primary dwelling, which is used for occupancy by family members, occasional guests, or servants, is not a dwelling unit for the purposes of this chapter.
- b. Multi-Family, Commercial or Other Non-Residential Uses: \$950 per parcel.

The records of the Marin County Assessor as of March 1st of each year shall determine the use and improvement of each parcel for the calculation of the special tax applicable to that parcel in the following fiscal year.

For the purposes of this chapter, the term "parcel" shall mean a parcel of real property having a separate assessor's parcel number as shown on the last equalized assessment roll of Marin County.

Section 3.20.030 Annual levy; Public Hearing.

The Town Council shall annually by three affirmative votes establish the amount of the special tax levy, in an amount that does not exceed the maximum amount specified in Section 3.20.020 of this chapter, as is required to provide the desired level of public safety services. The

special tax shall not be measured by value of the property.

The Town Council shall conduct a public hearing regarding the proposed annual levy of the special tax during the budget hearing for the applicable year. Notice of the public hearing shall be posted on the official bulletin board at Town Hall at least ten days prior to the hearing.

3.20.040 Special Fund, Use of Tax Proceeds.

The proceeds of the special tax imposed by this chapter shall be placed in a special fund to be used solely for the purpose of providing public safety services.

3.20.050 Collection.

The special tax imposed by this chapter shall be collected in the same manner, on the same dates, and shall be subject to the same penalties and interest as other charges and taxes fixed and collected by the County of Marin on behalf of the Town of Ross. Said special tax, together with all penalties and interest thereon, shall constitute a lien upon the parcel upon which it is levied until it has been paid, and said special tax, together with all penalties and interest thereon, shall, until paid, constitute a personal obligation to the Town of Ross by the persons who own the parcel on the date the tax is due.

3.20.060 Amendment.

The Town Council shall be empowered to amend this chapter by three affirmative votes of its members to carry out the general purposes of this chapter, to conform the provisions of this chapter to applicable state law, to modify the methods of collection, or to assign the duties of public officials under this chapter.

In no event shall the Town Council amend this chapter to increase the maximum amount of the special tax established in section 3.20.020, unless approved by two-thirds of the voters voting thereon.

3.20.070 Exemptions.

The special tax shall not be imposed upon any parcel that is exempt from the special tax pursuant to any provision of the Constitution or any paramount law. The Town Council by resolution may adopt exemptions to the special tax imposed by this chapter.

3.20.080 Termination of Provisions.

This chapter shall be null and void as of twelve o'clock midnight, June 30, 2017, and shall have no force and effect whatsoever after said time and date. Notwithstanding the previous sentence, section 3.20.050, relating to the collection and enforcement of liens or obligations for the special tax previously levied hereunder, shall continue in effect until such time as the collection and enforcement procedures have been completed.

Section 2. The appropriations limit of the Town of Ross established under Article XIII B, Section 6 of the California Constitution shall be increased by the proceeds received from the special tax imposed by this ordinance. Any future increases in the appropriations limit shall be approved by a majority vote of the voters voting thereon.

Section 3. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not

affect any other provision or applications, and to this end the provisions of this ordinance are declared to be severable. The Town Council, and the electorate by referendum, do hereby declare that they would have adopted this ordinance and each section, subsection, sentence, clause, phrase, part of portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases, parts or portions thereof, be declared invalid or unconstitutional.

Section 4. This ordinance shall be adopted and become effective only if approved by two-thirds of the voters voting thereon, at an election to be held on November 6, 2012.

Section 5. The Mayor is hereby authorized to attest to the adoption of this ordinance by signing where indicated below.

I hereby certify that the foregoing ordinance was PASSED, APPROVED AND ADOPTED by the people of the Town of Ross voting on the 6th day of November, 2012.

By:
s/P. RUPERT RUSSELL
Mayor

ATTEST:
s/LINDA LOPEZ
Town Clerk