

**TOWN OF FAIRFAX MEASURE I**

**FULL TEXT OF MEASURE I**

**EXHIBIT A**

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE OF THE PEOPLE OF THE TOWN OF FAIRFAX, CALIFORNIA, EXTENDING A SPECIAL MUNICIPAL SERVICES TAX BY AMENDING SECTIONS 3.20.080 AND 3.20.090 OF THE FAIRFAX MUNICIPAL CODE**

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

**SECTION 1. AMENDMENTS 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 hereby deleted in their entirety and replaced by the following new Sections 3.20.080 and 3.20.090 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 (\$125) 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 (\$125) 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, 7 days per week staffing of Police and Fire Services, perform Public Works safety improvements, meet matching fund requirements needed to receive state and federal public works grants, and revitalize youth programs. A citizens oversight committee shall be established by the Town Council to monitor use of the Special Tax revenues in accordance with this section.

<p><b>I</b> MEASURE I: Shall an ordinance be adopted approving the renewal of a special Fairfax municipal services tax of \$125 per year for each business occupancy and dwelling unit, for a period of five years to:</p> <ul style="list-style-type: none"> <li>• Maintain 24-hour, 7 days per week staffing of Police and Fire Services</li> <li>• Perform Public Works safety improvements</li> <li>• Provide matching funds for state and federal grants</li> <li>• Revitalize Youth Programs and continue citizens’ oversight committee that monitors the use of revenues from this tax?</li> </ul>	YES
	NO

**TOWN ATTORNEY’S IMPARTIAL ANALYSIS OF MEASURE I**

This measure, if passed by two-thirds (2/3) of the voters, would amend Sections 3.20.080 and 3.20.090 of the Fairfax Town Code, extending an existing special tax at a maximum rate of One Hundred Twenty-Five Dollars (\$125.00) on each residential dwelling unit and each separate business occupancy 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 Police and Fire Services, performing Public Works safety improvements, providing matching funds for state and federal grants, and revitalizing Youth programs, which will be overseen by a citizens oversight committee to ensure that the tax revenue is spent accordingly.

A “YES” vote would be a vote to extend the tax, subject to the conditions and restrictions stated above.

A “NO” vote would be a vote to not extend the tax.

s/JIM R. KARPIAK  
Town Attorney

**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’s 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 3rd day of November, 2009, by the following vote tally.

AYES: \_\_\_\_\_  
 NOES: \_\_\_\_\_  
 ABSENT: \_\_\_\_\_

s/DAVID WEINSOFF  
Mayor

Attest:

s/JUDY ANDERSON  
Town Clerk

**ARGUMENT IN FAVOR OF MEASURE I**

Measure I is not a new tax, it simply continues the sound fiscal policy begun when Fairfax overwhelmingly passed Measure F five years ago. Every dollar raised by Measure I will stay in Fairfax for public safety, public works and youth programs.

Since the passage of Measure F, Fairfax repaid the voters’ trust:

- An independent citizen’s committee annually reviewed expenditures
- The Town Council lead a rigorous strategic planning process
- Cost savings measures were implemented including
  1. Reduced pension benefits for new hires
  2. Increased revenue sharing with the County
  3. A voluntary wage freeze for all Town employees

Despite these efforts, Fairfax faces dire economic conditions

- State of California will divert over \$215,000 in Fairfax property taxes to balance its budget
- 2005 flood reduced our reserves
- Stock market downturn threatens to raise pension costs
- Sales and property tax revenues have fallen
- Increased health insurance costs

Fairfax has a history of running lean budgets. It employs the fewest public employees per capita of any small town in Marin. At the same time, it has 24/7 local public safety services, second to none in cost and effectiveness. Public works projects have improved local roads along with pedestrian and bicycle safety.

Five other Marin towns have a similar municipal services tax and our town cannot afford to lose the \$465,000 this measure generates annually. **Unless Measure I passes, Fairfax faces drastic reductions of core public safety and public works services.**

Measure I will maintain the tax at \$125 per year and continue guaranteed citizen oversight. This combination of thrift and open government deserves to be preserved. Fairfax voters can “stand by their town” by supporting a measure that protects its financial solvency and the quality of public services without additional taxes.

Vote Yes on I

s/BARBARA L. PETTY  
Fairfax Town Treasurer

s/INGRID WEISS  
Executive Director, Fairfax Chamber of Commerce

s/KAREN ARNOLD  
Former Parks & Recreation Commission;  
Ross Valley Seniors Steering Committee

s/ANDI PERI  
Sustainability & Bicycle Advocate

**FAIRFAX TOWN COUNCIL**  
by David Weinsoff, Lew Tremaine, Larry Bragman, Mary Ann Maggiore and Susan Brandborg, Council members

**NO ARGUMENT AGAINST MEASURE I WAS SUBMITTED.**