

RESOLUTION NO. 11-39

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX
CALLING FOR AN ELECTION AND ORDERING THE SUBMISSION OF AN ORDINANCE
IMPOSING A TRANSACTIONS AND USE TAXS TO BE ADMINISTERED BY THE STATE
BOARD OF EQUALIZATION FOR FIVE (5) YEARS, TO THE QUALIFIED VOTERS OF THE
TOWN AT A GENERAL ELECTION TO BE HELD ON NOVEMBER 8, 2011, REQUESTING
ELECTION SERVICES OF THE COUNTY CLERK,
AND SETTING THE BALLOT LANGUAGE**

WHEREAS, Section 7285.9 of the California Revenue and Taxation Code authorizes any city to levy, increase or extend a transactions and use tax for general purposes at a rate of 0.25 percent, or a multiple thereof, subject to approval by a two-thirds vote of all of the members of the Town Council and by a majority vote of the qualified voters of the Town voting in an election on the issue.

NOW THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Fairfax that:

SECTION 1. Pursuant to its right, power and authority under the laws of the State of California and the Town of Fairfax Municipal Code, the Town of Fairfax will hold a General Municipal Election on November 8, 2011.

SECTION 2. The Town Council does hereby order the Fairfax Transaction and Use Tax Ordinance to be submitted to the voters at such General Municipal Election. The measure that shall appear on the ballot shall be as follows and the full text of the Fairfax Transactions and Use Tax Ordinance, attached hereto as Exhibit A, shall be printed in the voter pamphlet:

Town of Fairfax	
The Fairfax Vital Town Service Emergency Protection Measure. To offset declining property tax revenues and severe state budget cuts and to prevent further cuts to general Town services, shall an ordinance be adopted to enact a [one half / three quarters/ one] cent transaction and use tax in the Town of Fairfax, subject to annual independent audits, public expenditure reports, local use of all funds, and expiration on January 1, 2017?	YES
	NO

SECTION 3. The Town Council hereby approves the proposed ordinance to be submitted to the voters as attached hereto as Exhibit A. The proposed measure is a general tax

as defined in Article XIII C of the California Constitution and shall not take effect unless and until approved by a vote of at least a majority of the voters voting on the question at the election.

SECTION 4. In all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 5. The Town Attorney is hereby directed to prepare an impartial analysis of the measure pursuant to Elections Code Section 9280.

SECTION 6. The Town Council hereby authorizes one or more of its members to submit a ballot argument in favor of the measure, pursuant to Elections Code Section 9282.

NOW, THEREFORE BE IT FURTHER RESOLVED AS FOLLOWS:

1. The Board of Supervisors of the County of Marin is hereby requested to provide services for said general election to be held on Tuesday, November 8, 2011, and to provide that, within the Town of Fairfax, the election precincts, polling places, and voting booths shall in every case be the same and there shall be one set of election officers in each of said precincts, and to further provide that said measure hereinabove set forth shall be set forth in the ballots to be used at said election insofar as the same is held within the Town of Fairfax.
2. The Board of Supervisors of Marin County is hereby further authorized to canvass, or caused to be canvassed, as provided by law, the returns of said special ballot measure election with respect to the votes cast on such proposition and to certify such canvass of votes to the Town Council.
3. The Town Clerk of the Town of Fairfax is hereby authorized and directed to certify to the due adoption of this Resolution and to transmit a copy thereof so certified to the Board of Supervisors of said County and to file a copy hereof so certified with the Registrar of the County of Marin.
4. The Town Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions, and to take other appropriate actions necessary to ensure the placement of said special tax measure before the voters of the Town of Fairfax at said General Election.

The foregoing Resolution was duly passed and adopted at an Adjourned Meeting of the Town Council of the Town of Fairfax held in said Town on the 27th day of July, 2011, by the following vote, to wit:

AYES:
NOES:
ABSENT:

LARRY BRAGMAN, MAYOR

Attest:

Judy Anderson, Town Clerk