



**TOWN OF FAIRFAX
STAFF REPORT
December 3, 2014**

TO: Mayor and Town Council
FROM: Michele Gardner, Town Clerk *MG*
SUBJECT: Adoption of Resolution 14-43, reciting the fact of the General Election held on November 4, 2014, declaring the result and such other matters as provided by law

RECOMMENDATION

Adopt the resolution

DISCUSSION

On November 4, 2014 a consolidated general and special election were held in the Town. Both of the Town's local measures passed with the required 2/3 vote: Measure J, the Special Municipal tax measure, and Measure K, the Paramedic tax measure. There were no candidates on the ballot.

State law requires the Council adopt a resolution to recite the fact of the election, and declare the result (as certified by the Marin County Registrar of Voters, a copy of which certification is attached to the resolution).

ATTACHMENT

Resolution 14-43

RESOLUTION 14-43

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX, RECITING THE FACT OF THE GENERAL ELECTION HELD ON NOVEMBER 4, 2014, DECLARING THE RESULT AND SUCH OTHER MATTERS AS PROVIDED BY LAW

- WHEREAS**, A General Election was held and conducted in the Town of Fairfax, California, on Tuesday, November 4, 2014, as required by law; and
- WHEREAS**, notice of the election was given in time, form and manner as provided by law; that voting precincts were properly established; that election officers were appointed and that in all respects the election was held and conducted and the votes were cast, received and canvassed and the returns made and declared in time, form and manner as required by the provisions of the Elections Code of the State of California for the holding of elections in general law cities; and
- WHEREAS**, pursuant to Resolutions 14-35 and 14-18 of the Town Council of the Town of Fairfax, adopted on the 16th day of July 2014 and the 7th day of May 2014, respectively, the County Election Department canvassed the returns of the election and has certified those results to this Town Council, the results are received, attached and a part hereof as "Exhibit A."
- NOW, THEREFORE**, the Town Council of the Town of Fairfax, California, does resolve, declare, determine, and order as follows:
- SECTION 1. That the whole number of ballots cast in the precincts was 3144 for Measure J, and 3114 for Measure K, including Absentee and Provisional Ballots; and
- SECTION 2. That the number of votes given at each precinct and the number of votes given in the Town for each measure are as listed in Exhibit "A" attached.
- SECTION 5. That **Measure "J"**, approving a five-year renewal of the special Fairfax municipal services tax in the amount of \$195 annually for each business occupancy and dwelling unit for five years, was voted on at the November 4, 2014 election, with the total number of "Yes" votes as 2272 or **72.26%**, and the total number of "No" votes as 872 or 27.74%.
- SECTION 6. That as a result of the election, the "Yes" votes on Measure "J" received more than the requisite two-thirds vote required by the California Constitution and therefore Measure "J" was passed.
- SECTION 5. That **Measure "K"**, continuing the special tax for paramedic services in the amount of \$57 in the first year and raising the tax \$6 annually to a maximum of \$75 per taxable living unit, for the next four years, was also voted on at the November 4, 2014 election, with the total number of "Yes" votes as 2259 or **72.54%**, and the total number of "No" votes as 855 or 27.46%; and

SECTION 4. That as a result of the election, the "Yes" votes on Measure "K" received more than the requisite two-thirds vote required by the California Constitution and therefore Measure "K" was passed; and

SECTION 5. The Town Clerk shall enter on the records of the Town Council of the Town, a statement of the result of the election, showing: (1) the whole number of ballots cast in the Town; (2) the measures voted upon; (3) the number of votes given at each precinct for and against each measure; and (4) the total number of votes given for each measure; and (5) certification of the passage of Measure "J" by the voters in Ordinance No. 786 attached as "Exhibit B;" and (6) certification of the passage of Measure "K" by the voters attached as "Exhibit A."

SECTION 6. That the Town Clerk shall immediately certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

The foregoing Resolution was duly introduced and adopted at a regular meeting of the Town Council of the Town of Fairfax held in said Town on the 3rd day of December 2014, by the following vote, to wit:

AYES:

NOES:

ABSENT:

MAYOR

Attest:

Michele Gardner, Town Clerk

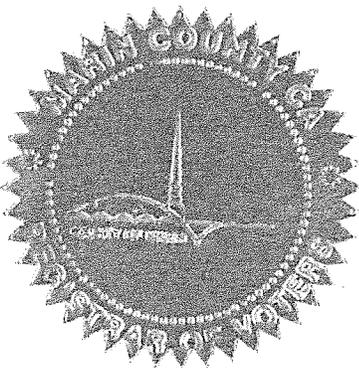
EXHIBIT A

CERTIFICATE OF CANVASS OF VOTE

I, LYNDA ROBERTS, Registrar of Voters, County of Marin, State of California, do hereby certify that on November 26, 2014, I canvassed the vote cast at the Statewide General Election held on November 4, 2014, and the results of said canvass are as follows:

(See Attached)

IN WITNESS WHEREOF, I have set my hand and affixed my official seal on the 26th day of November, 2014.




LYNDA ROBERTS
Registrar of Voters

Marin County Registrar of Voters
 Gubernatorial General Election - November 4, 2014

Date: 11/26/14
 Time: 11:26:58
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Statement of Votes Cast
 OFFICIAL FINAL
 MEASURE J

	TURN OUT			TOWN OF FAIRFAX MEASURE J (2/3 needed)						
	Reg. Voters	Cards Cast	% Turnout	Reg. Voters	Times Counted	Total Votes	YES		NO	
Jurisdiction Wide										
0203019										
Polling	1258	323	25.68%	1258	323	309	233	75.40%	76	24.60%
VBM	1258	452	35.93%	1258	452	440	312	70.91%	128	29.09%
Total	1258	775	61.61%	1258	775	749	545	72.76%	204	27.24%
0203029										
Polling	1266	308	24.33%	1266	308	292	222	76.03%	70	23.97%
VBM	1266	474	37.44%	1266	474	455	328	72.09%	127	27.91%
Total	1266	782	61.77%	1266	782	747	550	73.63%	197	26.37%
0203040										
Polling	707	175	24.75%	707	175	168	134	79.76%	34	20.24%
VBM	707	273	38.61%	707	273	260	176	67.69%	84	32.31%
Total	707	448	63.37%	707	448	428	310	72.43%	118	27.57%
0203060										
Polling	658	150	22.80%	658	150	147	102	69.39%	45	30.61%
VBM	658	308	46.81%	658	308	291	190	65.29%	101	34.71%
Total	658	458	69.60%	658	458	438	292	66.67%	146	33.33%
0203080										
Polling	643	153	23.79%	643	153	143	106	74.13%	37	25.87%
VBM	643	237	36.86%	643	237	231	171	74.03%	60	25.97%
Total	643	390	60.65%	643	390	374	277	74.06%	97	25.94%
0203130										
Polling	731	173	23.67%	731	173	164	128	78.05%	36	21.95%
VBM	731	263	35.98%	731	263	244	170	69.67%	74	30.33%
Total	731	436	59.64%	731	436	408	298	73.04%	110	26.96%
Total										
Polling	5263	1282	24.36%	5263	1282	1223	925	75.63%	298	24.37%
VBM	5263	2007	38.13%	5263	2007	1921	1347	70.12%	574	29.88%
Total	5263	3289	62.49%	5263	3289	3144	2272	72.26%	872	27.74%

Marin County Registrar of Voters
 Gubernatorial General Election - November 4, 2014
 Statement of Votes Cast
 OFFICIAL FINAL
 MEASURE K

Date:11/26/14
 Time:11:27:11
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	TURN OUT			TOWN OF FAIRFAX MEASURE K (2/3 needed)					
	Reg. Voters	Cards Cast	% Turnout	Reg. Voters	Times Counted	Total Votes	YES	NO	
Jurisdiction Wide									
0203019									
Polling	1258	323	25.68%	1258	323	309	229	74.11%	80 25.89%
VBM	1258	452	35.93%	1258	452	434	325	74.88%	109 25.12%
Total	1258	775	61.61%	1258	775	743	554	74.56%	189 25.44%
0203029									
Polling	1266	308	24.33%	1266	308	290	210	72.41%	80 27.59%
VBM	1266	474	37.44%	1266	474	454	322	70.93%	132 29.07%
Total	1266	782	61.77%	1266	782	744	532	71.51%	212 28.49%
0203040									
Polling	707	175	24.75%	707	175	165	129	78.18%	36 21.82%
VBM	707	273	38.61%	707	273	259	174	67.18%	85 32.82%
Total	707	448	63.37%	707	448	424	303	71.46%	121 28.54%
0203060									
Polling	658	150	22.80%	658	150	143	95	66.43%	48 33.57%
VBM	658	308	46.81%	658	308	294	207	70.41%	87 29.59%
Total	658	458	69.60%	658	458	437	302	69.11%	135 30.89%
0203080									
Polling	643	153	23.79%	643	153	141	109	77.30%	32 22.70%
VBM	643	237	36.86%	643	237	226	167	73.89%	59 26.11%
Total	643	390	60.65%	643	390	367	276	75.20%	91 24.80%
0203130									
Polling	731	173	23.67%	731	173	158	115	72.78%	43 27.22%
VBM	731	263	35.98%	731	263	241	177	73.44%	64 26.56%
Total	731	436	59.64%	731	436	399	292	73.18%	107 26.82%
Total									
Polling	5263	1282	24.36%	5263	1282	1206	887	73.55%	319 26.45%
VBM	5263	2007	38.13%	5263	2007	1908	1372	71.91%	536 28.09%
Total	5263	3289	62.49%	5263	3289	3114	2259	72.54%	855 27.46%

EXHIBIT B
Ordinance No. 786

**AN ORDINANCE OF THE TOWN OF FAIRFAX, CALIFORNIA,
AMENDING CHAPTER 3.20 OF THE FAIRFAX MUNICIPAL CODE AUTHORIZING
THE LEVY OF A SPECIAL TAX TO FINANCE MUNICIPAL SERVICES AND
ADDING CHAPTER 3.02 PROVIDING SPECIAL TAX ACCOUNTABILITY
MEASURES**

THE PEOPLE OF THE TOWN OF FAIRFAX, CALIFORNIA DO HEREBY ORDAIN AS FOLLOWS:

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

“Chapter 3.20

Section

- 3.20.010 Findings; Statement of Purpose
- 3.20.020 Special municipal services tax imposed; rate
- 3.20.030 Deposit and use of funds from special municipal services tax
- 3.20.040 Exemptions
- 3.20.050 Use of town and county records to determine assessments
- 3.20.060 Collection
- 3.20.070 Amendment
- 3.20.080 Termination of Provisions

§ 3.20.010 FINDINGS; STATEMENT OF PURPOSE.

The Town Council determines that the cost to maintain certain municipal services at a level required to provide for the health, safety and general welfare of its residents exceeds the amount of funds and revenues generated from all other sources of income. The Town Council further determines that the levy of a special municipal services tax on improved real property throughout the town is necessary to maintain an adequate level of municipal services. It is the sole purpose and intent of this chapter to impose a special tax to maintain 24-hour, seven days per week staffing of the Fairfax Police Station, maintain Fire Services, provide funding for Public Works safety projects, and enhance youth and senior programs. A citizens' oversight committee was established by the Town Council in 2005 with the passage of Measure F for the purpose of monitoring the use of the special tax revenues in accordance with this section.

§ 3.20.020 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:

(A) A special municipal services tax is levied and imposed upon improved residential property at a rate of \$195 per dwelling unit. 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 rate of \$195 for each business occupancy. 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.

§ 3.20.030 DEPOSIT AND USE OF FUNDS FROM SPECIAL MUNICIPAL SERVICES TAX.

All proceeds of the special municipal services tax levied and imposed under section 3.20.020 of this chapter shall be paid into a special fund to be used exclusively to maintain 24-hour, seven days per week staffing of the Fairfax Police Station; maintain Fire Services; provide funding for Public Works safety projects, and enhance youth and senior programs. The citizens' oversight committee to monitor use of the special tax revenues in accordance with this section shall be continued.

§ 3.20.040 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.

§ 3.20.050 USE OF TOWN AND COUNTY RECORDS TO DETERMINE ASSESSMENTS.

The records of the County Assessor of the County of Marin as of March 1 each year and the records of the Town of Fairfax maintained pursuant to the provisions of Title 5 of this code may be used to determine the actual use of each parcel of real property for purposes of determining the tax under this chapter.

§ 3.20.060 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 Fairfax. 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 Fairfax by the persons who own the parcel on the date the tax is due.

§ 3.20.070 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 to 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.

§ 3.20.080 TERMINATION OF PROVISIONS.

This chapter shall be null and void as of twelve o'clock midnight, June 30, 2020, and shall have no force and effect whatsoever after said time and date. Notwithstanding the previous sentence, section 3.20.060, relating to 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: Chapter 3.02 is hereby added to the Fairfax Municipal Code to read as follows:

“Chapter 3.02

Special Tax Accountability Measures

The Town Manager shall annually file a special tax accountability report with the Town Council. The annual report shall contain both of the following: (a) the amount of funds collected and expended for each special tax imposed by the Town and (b) the status of any project required or authorized to be funded by such special tax, as required by California Government Code Section 50075.3, as such law is amended from time to time.”

Section 3: The appropriations limit of the Town of Fairfax 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 4: 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 or 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 5: 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 4, 2014.

Section 6: The Mayor is hereby authorized to attest to the adoption of this ordinance by signing where indicated below.

I hereby attest that the foregoing ordinance was PASSED, APPROVED AND ADOPTED by the people of the Town of Fairfax voting on the 4th day of November, 2014.

MAYOR, Town of Fairfax

ATTEST:

Michele Gardner, Town Clerk