

**TOWN OF SAN ANSELMO  
STAFF REPORT  
February 16, 2010**

For the meeting of February 23, 2010

TO: Town Council  
FROM: Debra Stutsman, Town Manager  
SUBJECT: Library Initiative - June 8, 2010 Primary Election

**RECOMMENDATION**

That Council approve the resolution authorizing the procedures for said election submitting to the voters the question of whether to approve a Special Library Services Tax to increase Library services.

**BACKGROUND**

An initiative petition was filed February 4, 2010, requesting that the issue of a Special Library Services Tax of \$49 per parcel be placed on the ballot. The initiative petition was certified as having sufficient valid signatures by staff at the Marin County Registrar of Voters offices (Attachment 1).

**DISCUSSION**

The resolution (Attachment 2) calls for the following question to be submitted to the voters at the election:

In order to increase San Anselmo Library open hours, improve children's services at the Library including hiring a special children's librarian, and enhance general Library services, shall an ordinance be adopted approving a Special Library Services Tax of \$49.00 per year per real estate parcel located in the Town of San Anselmo, for a period of five (5) years, to be used to augment the money from the Town of San Anselmo's General Fund currently used to fund library services in San Anselmo?	Yes
	No

The ordinance to be submitted to the voters is included as Attachment 3.

**ELECTION TIMING**

March 12	Deadline to submit resolutions calling for election & exact ballot language
March 13-22	10 day public examination period
March 22	Last day to submit ballot arguments
March 23-April 1	10 day public examination period
March 29	Last day to submit rebuttal arguments
March 30-April 8	10 day public examination period
June 8	Election

Town Hall will remain open until 5:00 p.m. March 22 and March 29, 2010.

Respectfully submitted,

Debra Stutsman  
Town Manager

Attachments:

1. Certificate of Petition Verification
2. Draft Resolution
3. Ordinance to be submitted to voters

**TOWN OF SAN ANSELMO**

**CERTIFICATE OF PETITION VERIFICATION**

(Elections Code Sections 9115, 9211, 20540)

I, Joanne Kessel, Deputy Town Clerk, Town of San Anselmo, do hereby certify that on February 10, 2010 the verification of 1636 signatures on the San Anselmo Library Tax Petition was completed and the petition is sufficient as follows:

Date:	February 10, 2010
Name of Petition:	San Anselmo Library Tax
Signatures required:	818
Raw Count:	1636
Sample size:	500
# Valid signatures in sample:	466
# Invalid signatures in sample:	34
# of duplicates:	0
# of assumed good signatures:	1525 ( $466/500 = .932 \times 1636 = 1525$ )
Percentage of good signatures:	186% ( $1525 = 1.86\% \text{ of } 818 = 1525/818 = 186\%$ )

The number of qualified signatures on this petition is sufficient to declare the petition valid.

IN WITNESS WHEREOF, I have set my hand and affixed by official seal on this 10th day of February, 2010.



Joanne Kessel  
Deputy Town Clerk

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO CALLING AND GIVING NOTICE OF THE HOLDING OF AN ELECTION TO BE HELD JUNE 8, 2010 AND REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN TO CONSOLIDATE SAID ELECTION; AND AUTHORIZE THE TOWN CLERK OR HER DULY AUTHORIZED OFFICERS AND AGENCY TO CARRY OUT ALL THE NECESSARY PROCEDURES FOR SAID ELECTION SUBMITTING TO THE VOTERS THE QUESTION RELATING TO A SPECIAL LIBRARY SERVICES TAX.**

**Whereas**, an initiative petition was filed with the Town Clerk requesting that a Special Library Services tax of \$49 per year per real estate parcel be presented to the voters to fund enhanced Library services; and

**Whereas**, Joanne Kessel, Administrative Services Technician, submitted a Certificate of Sufficient Petition Signatures regarding the initiative petition; and

**Whereas**, under the provisions of the laws relating to general law cities in the State of California, an election shall be held on June 8, 2010 for the submission to the voters of the question relating to a Special Library Services Tax of \$49 per year per parcel;

**Whereas**, it is desirable that the election be consolidated with the statewide election to be held on the same date and that within the Town, the precincts, polling places, and election officers of the two elections to be the same; and

**Whereas**, it is desirable that the county election department of County of Marin canvass the returns of the Primary Election and that the election be handled in all respects as if there were only one election; and

**Whereas**, the Town Council desires to submit to the voters at the election a question relating to a Special Library Services Tax.

**NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:**

Section 1. That pursuant to the requirements of the laws of the State of California relating to General Law Cities, there is called and ordered to be held in the Town of San Anselmo, California, on Tuesday, June 8, 2010.

Section 2. That pursuant to the requirements of Section 10403 of the Elections Code, the Board of Supervisors of the County of Marin is hereby requested to consent and agree to the consolidation of said election.

Section 3. That the Town Council, pursuant to its rights and authority, does order submitted to the voters at the election the following question:

In order to increase San Anselmo Library open hours, improve children's services at the Library including hiring a special children's librarian, and enhance general Library services, shall an ordinance be adopted approving a Special Library Services Tax of \$49.00 per year per real estate parcel located in the Town of San Anselmo, for a period of five (5) years, to be used to augment the money from the Town of San Anselmo's General Fund currently used to fund library services in San Anselmo?	Yes
	No

Section 4. Pursuant to Elections Code Section 9203, the Town Attorney prepared the following Title and Summary:

**TITLE: AN ORDINANCE ESTABLISHING AN ANNUAL \$49.00 TAX ON EACH REAL ESTATE PARCEL IN THE TOWN OF SAN ANSELMO FOR FIVE YEARS FOR THE EXCLUSIVE PURPOSE OF ENHANCING FUNDING FOR CHILDREN'S AND GENERAL SERVICES AT THE TOWN LIBRARY.**

**Summary: The purpose of this initiative is to place on the ballot a proposed ordinance that would establish an annual tax in the amount of \$49.00 (forty nine dollars) on each real estate parcel in the Town of San Anselmo exclusively to enhance funding for the Town Library. The proposed ordinance includes a sunset provision that terminates the tax after a period of five (5) years. The proposed ordinance requires that all revenue generated by the tax be used exclusively for purposes of increasing San Anselmo Library open hours, improving children's services at the library including hiring a children's librarian, and enhancement of general Library services. The proposed ordinance is intended to generate revenue that would augment the funding already budgeted for the Library. The proposed ordinance provides, therefore, for immediate termination of the tax should the Town Council, during the five year period of the tax, adopt a budget that reduces Library funding below 90% (ninety percent) of the amount budgeted for the Library in the 2008-2009 Town budget.**

Section 5 Pursuant to Elections Code Section 9280, the Town Clerk shall transmit a copy of the measure to the Town Attorney who shall prepare an impartial analysis of the measure in accordance with said Section 9280. Arguments for and against said measure may be filed in accordance with applicable provisions of the law. Pursuant to Section 9285 of the Elections Code of the State of California, (the provisions of which are hereby adopted), when the clerk has selected the arguments for and against the measure which will be printed and distributed to the voters, the clerk shall send copies of the argument in favor of the measure to the authors of the argument against, and copies of the argument against to the authors of the argument in favor. The rebuttal arguments shall be filed with the Town Clerk not more than 10 days after the final date for filing direct arguments. Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut. The text of the measure shall be printed on the ballot in the voter information portion of the sample ballot.

Section 6. That the County Election Department is authorized to canvass the returns of said election. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used.

**Section 7** That the Board of Supervisors is requested to issue instructions to the County Election Department to take any and all steps necessary for the holding of the consolidated election.

**Section 8.** That the Town Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions.

**Section 9.** That the polls for the election shall be open at 7:00 a.m. of the election and shall remain open continuously from that time until 8:00 p.m. of the same day, when the polls shall be closed, except as provided in Section 14401 of the Elections Code of the State of California.

**Section 10.** That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

**Section 11.** That notice of the time and place of holding the election is given and Town Clerk is authorized, instructed, and directed to give further or additional notice of the election, in time, form, and manner as required by law.

**Section 12.** That the Town Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the Election Department of the County of Marin.

I, the undersigned hereby certify that the foregoing is a full, true, and complete copy of a resolution duly passed and adopted by the Council of the Town of San Anselmo at a regular meeting thereof held on the 23rd day of February 2010, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

ATTEST:

\_\_\_\_\_  
Barbara Chambers  
Town Clerk

Approved: \_\_\_\_\_  
Barbara Thornton, Mayor

**INITIATIVE MEASURE SUBMITTED TO THE VOTERS**

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**MUNICIPAL**

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**TOWN OF SAN ANSELMO  
SPECIAL LIBRARY SERVICES TAX  
MEASURE \_\_**

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In order to increase San Anselmo Library open hours, improve children's services at the Library including hiring a special children's librarian, and enhance general Library services, shall an ordinance be adopted approving a Special Library Services Tax of \$49.00 per year per real estate parcel located in the Town of San Anselmo, for a period of five (5) years, to be used to augment the money from the Town of San Anselmo's General Fund currently used to fund library services in San Anselmo?

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**TOWN OF SAN ANSELMO  
SPECIAL LIBRARY SERVICES TAX  
FULL TEXT OF ORDINANCE  
MEASURE \_\_**

**ORDINANCE NO. \_\_**

**AN ORDINANCE OF THE PEOPLE OF THE TOWN OF SAN  
ANSELMO, CALIFORNIA, ADOPTING A SPECIAL LIBRARY  
SERVICES TAX BY ADDING A NEW CHAPTER 7 "SPECIAL  
LIBRARY 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 7 entitled "Special Library Services Tax" is hereby added to the San Anselmo Municipal Code as follows:

### **8-7.01 Title**

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

### **8-7.02 Necessity, Authority, and Purpose**

The voters of San Anselmo hereby determine that the cost to maintain adequate library operating hours, staff and general services, and children's services for the residents of the Town of San Anselmo exceeds the amount of funds and revenues provided by the Town and generated from all other sources. The voters further determine that the levy of a special Library Services Tax of \$49 on each real estate parcel located in the Town of San Anselmo for a period of five years, when added to all other current Library funding and revenues, would be sufficient to maintain an adequate level of library services. Accordingly, a tax is imposed by this chapter pursuant to Section 37100.5 of the Government Code of the State of California.

### **8-7.03 Tax Imposed**

A Special Library Services Tax in the amount of \$49 per year per parcel is hereby imposed effective July 1, 2010, and levied annually on each real estate parcel located in the Town of San Anselmo for a five year period through and including June 30, 2015.

### **8-7.04 Impact of Town Funding of the Library on the Tax.**

The express purpose of this tax is to augment funding currently provided by the Town of San Anselmo, and not to supplant or replace such funding. Therefore if, during the term of the tax set forth in Section 8-7.03, the Town should determine that conditions warrant a reduction in its annual funding of the Library, the tax will continue to be levied only if Town funding of the library remains above 90% (ninety percent) of the amount budgeted for 2008-2009, which is \$420,000. If the Town Council adopts a budget that reduces funding below that amount, this Chapter will immediately become invalidated in its entirety and the tax will no longer be levied.

### **8-7.05 Inviolability of tax revenue.**

Revenue to the Library provided by this Special Library Services Tax may not under any circumstances be subject to appropriation to any purpose other than annual funding of the Library.

### **8-7.06 Increase of 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.

### **8-7.07 Use of County Records**

The records of the Marin County Assessor as of March 1st of each year may be used to determine the actual use of each parcel of real property for the purposes of determining the tax imposed by this chapter.

#### **8-7.08 Personal Liability**

The tax levied and imposed by this chapter shall be collected by the Marin County Tax Collector at the same time as, and along with, the property taxes collected by the Marin 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.

#### **8-7.09 Deposit and Use of Funds from Special Library Services Tax**

All proceeds from the taxes imposed and levied by this chapter shall be paid into the "Special Library Services Tax Account" to be used exclusively for increasing San Anselmo Library open hours, improving children's services at the library including hiring a special children's librarian, and enhancement of general Library services.

#### **8-7.10 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 voters hereby declare that they would have adopted this chapter, and each section, subsection, sentence, phrase, or clause thereof, irrespective of whether any one or more sections, subsections, sentences, phrases, or clauses be declared for any reason invalid.

#### **8-7.11 Rebates / Tax Equity Board**

The Tax Equity Board established by resolution of the Town 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 (§ 1, Ord. 845, eff. August 9, 1983).

#### **8-7.12 Exemptions**

Improved property used exclusively for educational, 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 (c) of Section 23701 of the Revenue and Taxation Code of the State of California, and subsection (3) of subsection (c) of Section 501 of the United States Internal Revenue Code of 1954.

#### **8-7.13 Penalty for Disclosure of Information on Applications for Rebate of Special Library Services Tax**

Any person disclosing the name of any person and any financial information obtained from an application for a rebate of a Special Library Services Tax shall be guilty of an infraction.

**SECTION 2. EFFECTIVE DATE.** This Ordinance relates to the levying and collection of the Town Special Library 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 Library Services Tax will be assessed beginning fiscal year 2010-2011.