

MEASURE SUBMITTED TO THE VOTERS

MUNICIPAL

**TOWN OF CORTE MADERA
SPECIAL TAX FOR PARAMEDIC AND/OR
EMERGENCY MEDICAL SERVICES
MEASURE C**

C Shall the Town of Corte Madera voters adopt an ordinance continuing a special tax for four more years for paramedic and/or emergency medical services at a rate of \$30.00 per residence and \$30.00 per 1,000 square feet of floor area for nonresidential uses for fiscal year 2003-2004, increasing \$5.00 yearly to \$45.00 per residence and \$45.00 per 1,000 square feet of floor area for nonresidential uses in 2006-2007, and increasing the appropriations limit by the tax proceeds?

**TOWN OF CORTE MADERA
SPECIAL TAX FOR PARAMEDIC AND/OR
EMERGENCY MEDICAL SERVICES
FULL TEXT OF ORDINANCE NO. 871
MEASURE C**

**ORDINANCE NO. 871
AN ORDINANCE OF THE TOWN OF CORTE MADERA
IMPOSING A SPECIAL TAX FOR
PARAMEDIC AND/OR EMERGENCY MEDICAL
SERVICES**

The people of the Town of Corte Madera do ordain as follows:

Section 1: A new chapter 3.50 is hereby added to the Town of Corte Madera Municipal Code to read as follows:

Chapter 3.50

CORTE MADERA PARAMEDIC AND/OR
EMERGENCY MEDICAL SERVICES TAX

- 3.50.010 Authority, purpose and intent.
- 3.50.020 Definitions.
- 3.50.030 Tax imposed.
- 3.50.040 Special fund, use of tax proceeds, appropriations limit.
- 3.50.050 Method of collection.
- 3.50.060 Delinquency.
- 3.50.070 Amendment of chapter.
- 3.50.080 Severability.
- 3.50.090 Two-thirds voter approval, effective date.
- 3.50.100 Sunset provision.
- 3.50.110 Execution.

3.50.010 Authority, purpose and intent. It is the sole purpose and intent of this chapter to impose a special tax on residential and nonresidential property within the Town of Corte Madera (Town) for paramedic and/or emergency medical services.

3.50.020 Definitions. The definitions given in this section shall govern the construction of this chapter.

(1) Floor area. "Floor area" shall be defined as the total enclosed area of all floors of a building measured to the outside face of the walls.

(2) Nonresidential Use. "Nonresidential use" shall be defined as any building which is designed, intended, or used for any purpose other than a residential use, including, but not limited to, commercial, industrial and office uses. A hotel, motel and all residential units contained therein, as defined below, shall be treated as a nonresidential use.

(3) Residential Unit. "Residential unit" shall be defined as each building or portion thereof, containing one or more rooms, a separate bathroom, and a single kitchen, as defined in Section 18.04.400 of the Corte Madera Municipal Code, designed for or occupied by one family or by one or more individuals.

3.50.030 Tax imposed. A special tax for the purpose outlined in Section 3.50.010 shall be imposed on nonresidential uses and on residential units in the amount specified below for each of the fiscal years 2003-2004 to 2006-2007.

(1) Nonresidential uses:

A. Thirty dollars (\$30.00) per year for each 1,000 square feet of floor area for fiscal year 2003-2004.

B. Thirty-five dollars (\$35.00) per year for each 1,000 square feet of floor area for fiscal year 2004-2005.

C. Forty dollars (\$40.00) per year for each 1,000 square feet of floor area for fiscal year 2005-2006.

D. Forty-five dollars (\$45.00) per year for each 1,000 square feet of floor area for fiscal year 2006-2007.

(2) Residential Units:

A. Thirty dollars (\$30.00) per year for each residential unit for fiscal year 2003-2004.

B. Thirty-five dollars (\$35.00) per year for each residential unit for fiscal year 2004-2005.

C. Forty dollars (\$40.00) per year for each residential unit for fiscal year 2005-2006.

D. Forty-five dollars (\$45.00) per year for each residential unit for fiscal year 2006-2007.

3.50.040 Special fund, use of tax proceeds, appropriations limit. 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 paramedic and/or emergency medical services. The appropriations limit of the Town shall be increased by the proceeds received from this special tax for each of the four years of this special tax.

3.50.050 Method of collection. The special tax imposed by this chapter shall be due from every person who owns real property within the Town on which is located a residential unit(s) and/or a nonresidential use(s) and as reflected upon the rolls of the Marin County Assessor at the same time ad valorem tax is due. This special tax shall be collected by the Marin County Tax Collector at the same time, in the same manner, and subject to the same terms and conditions, including penalties and interest, as the ad valorem tax. The full amount due under this chapter shall constitute a debt to the Town. An action for the collection of any tax due hereunder may be commenced in the name of the Town, or its assignee, in any court having jurisdiction of the cause.

MEASURE C CONTINUED ON NEXT PAGE



3.50.060 Delinquency. To any amount of the tax created by this chapter which becomes delinquent, the Marin County Tax Collector shall add a penalty in an amount equal to any penalty owing for delinquencies in the ad valorem property tax. The tax and penalty shall bear interest at the same rate as the rate for unpaid ad valorem tax until paid.

3.50.070 Amendment of chapter. The Town Council is hereby authorized to amend this chapter by three (3) affirmative votes of its members for the limited purposes of carrying out the general purposes of this chapter, to conform the provisions of this chapter to applicable state law, to permit the County Tax Collector to collect the special tax levied by this chapter, or to reassign the duties of public officials under this chapter. In no event, however, may the Town Council alter the provisions of sections 3.50.030 and 3.50.040 of this chapter without the approval of two-thirds of the voters of the Town voting on the question.

3.50.080 Severability. If any section, or part thereof, of this chapter is held invalid or unenforceable by any court and such judgment becomes final, then that section, or part thereof, may be amended by this Council, by a majority vote, to conform with the judgment of such court, provided such amendment is consistent with the purpose and intent of this chapter. If any section, subsection, sentence, phrase or clause of this chapter is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion of this chapter. The People of the Town of Corte Madera hereby declare that they would have adopted this chapter and each section, subsection, sentence, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, sentences, phrases, or clauses may be declared invalid.

3.50.090 Two-thirds approval, effective date. An election to confirm and approve this Ordinance has been set for November 5, 2002. This ordinance shall be effective only if approved by two-thirds (2/3) of the voters voting upon this Ordinance and shall go into effect ten (10) days after the vote is declared by the County Election Department.

3.50.100 Sunset provision. This Ordinance shall expire and be of no further force or effect after midnight, June 30, 2007.

3.50.110 Execution. The Town Mayor is hereby authorized to attest to the adoption of this Ordinance by signing where indicated below.

I certify that the foregoing Ordinance was PASSED, APPROVED and ADOPTED by the people of the Town of Corte Madera voting on the 5th day of November 2002.

Jin Yang, Mayor

ATTEST:

Christine Green, Town Clerk

**IMPARTIAL ANALYSIS BY THE TOWN ATTORNEY
MEASURE C**

If this measure is approved by the requisite two-thirds vote, an ordinance shall be adopted in the Town of Corte Madera imposing a special tax for paramedic and/or emergency medical services (EMS). This is not the first time an EMS tax has been submitted to and approved by the Town's voters. A special EMS tax was first approved by the Town's voters on June 7, 1983 and has since received continuous voter approval. The present special EMS tax was approved by the Town's voters in November of 1998. Since that tax will expire on June 30, 2003, voter approval of this measure is required in order to continue the provision of EMS services.

If approved, this measure will impose a yearly tax for EMS services for the next four fiscal years. For fiscal year 2003-2004, the tax amount will be \$30.00 for each residential unit. For nonresidential uses, the tax rate for fiscal year 2003-2004 will be \$30.00 per 1,000 square feet of enclosed floor area. The tax rate on residential and nonresidential uses shall increase \$5.00 per year for each of the remaining three years the tax is in effect. In fiscal year 2006-2007, the yearly tax shall be \$45.00 for each residential unit and \$45.00 for each 1,000 square feet of enclosed floor area for nonresidential uses.

The measure provides that the tax proceeds must be placed in a special fund which may only be used for the provisions of EMS services. The tax amount specified above may not be increased without the approval of two-thirds of the Town voters. The measure also provides that the EMS tax will be collected by the Marin County Tax Collector along with the property tax. As stated above, the tax will automatically terminate on June 30, 2007.

Dated: July 19, 2002

JEFFREY A. WALTER
Town Attorney

MEASURE C CONTINUED ON NEXT PAGE



ARGUMENT IN FAVOR OF MEASURE C

In 1983 Corte Madera joined with Larkspur, Kentfield, Ross, San Anselmo and Fairfax to establish the Ross Valley Paramedic Authority to provide paramedic ambulance services to the citizens of the Ross Valley. A single ambulance was located centrally in the Town of Ross and responded to all 911 calls. By 1997 the volume of calls had increased and the citizens of Corte Madera were experiencing significant delays in obtaining paramedic services. In 1998 the Corte Madera Town Council directed the Corte Madera Fire Department to establish a paramedic system in order to provide timely paramedic services to residents of our town.

Corte Madera now has the best paramedic services and shortest response times in Marin but the Town has incurred increased costs in funding this operation. To maintain this vital service our Town Treasurer has recognized the necessity to increase the paramedic tax which residents authorize to directly support this system.

Corte Madera residents have supported paramedic services by approving this tax since 1983. It has been set at a maximum of \$30.00 for twelve years. It is critical that we vote to increase the tax rate \$5.00 per year beginning in fiscal year 2004/2005 through 2006/2007. At that point the rate would be maximum of \$45.00 per year. This compares favorably with paramedic tax rates of \$60.00 in San Rafael and Novato. This tax is used entirely in Corte Madera and if not passed would result in the loss of the excellent paramedic system in our town. Your support for this measure is greatly appreciated.

s/ Robert D. Bundy, MD
Corte Madera Representative
Ross Valley Paramedic Authority

s/ Clyde N. Marquart
Chair - Flood Control Board

s/ Jin S. Yang
Mayor of Town of Corte Madera

s/ Jana Häehl, President
Corte Madera Community Foundation

NO ARGUMENT AGAINST THIS MEASURE

WAS SUBMITTED

END OF MEASURE C

