

**TOWN OF FAIRFAX MEASURE J**

<p><b>J MEASURE J:</b> Shall an ordinance combining Fairfax's existing \$50 annual general tax with our \$125 special tax and a \$20 increase be adopted approving a five-year renewal of the special Fairfax municipal services tax of \$195 annually for each business occupancy and dwelling unit, in order to: Keep our local Police Station open 24/7; Maintain Fire Department services; Provide funding for Public Works/safety projects; Enhance Youth and Senior programs; and Continue the Citizen's Oversight Committee?</p>	<b>YES</b>
	<b>NO</b>

**TOWN ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE J**

The Town Council voted to place Measure J on the ballot. Measure J, if passed by two-thirds (2/3) of the voters, would amend the Town Code to consolidate two existing municipal service taxes into a single special municipal services tax, increase that single tax by twenty dollars (\$20) for a total of one hundred ninety-five dollars (\$195) per year on each residential dwelling unit and each business occupancy within the boundaries of the Town of Fairfax, and extend the single tax for a period of five (5) years, expiring on June 30, 2020. Specifically, the tax amount of \$195 per residential dwelling unit and business occupancy consists of the existing \$125 per year special municipal tax, the \$50 per year general municipal tax (which is eliminated with this consolidation), and a \$20 per year increase.

Measure J requires that the revenue from the special tax be used exclusively for the specific purposes of maintaining 24-hour, seven days per week staffing of the local Police Station, maintaining Fire Department services, providing funding for public works and safety projects, and enhancing youth and senior programs. The tax will be overseen by a citizens' oversight committee to ensure the tax revenue is spent accordingly. The measure also requires the Town Manager annually to file a special tax accountability report with the Town Council.

A "YES" vote would be a vote to combine two existing taxes, increase the combined tax \$20 per year and extend the existing tax for a period of five years, subject to the conditions and restrictions stated above.

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

s/JANET COLESON  
Town Attorney  
Town of Fairfax

**ARGUMENT IN FAVOR OF MEASURE J**

Measure J is not a new tax, it simply continues the sound fiscal policy begun when Fairfax overwhelmingly passed Measure F ten years ago and renewed with Measure I five years ago. Measure J also combines Fairfax's longstanding \$50 general municipal services tax which has been discontinued as a separate tax. So while the total combined tax is larger than past ballot measures, it actually only includes a modest increase of \$20, the first increase these taxes have ever had.

Measure J will help Fairfax enhance senior programs and support an improved pedestrian trail maintenance program to provide alternative exit routes in a wildfire. Every dollar raised by Measure J will stay in Fairfax for public safety, public works, youth and senior programs. Fairfax cannot afford to lose these funds – costs to maintain public services have increased. Continuation of these measures is critical to ensure our town's fiscal solvency and independence.

Since the passage of both Measure F and I, Fairfax has repaid the voters' trust:

Services:

- Our police station remains open and staffed with professional personnel 24/7
- Bike and pedestrian improvements continued
- Increased telecommunications access to public meetings

Savings:

- An independent citizen's committee annually reviewed expenditures
- Pension benefits for new hires were trimmed
- Town employees pay their share into pension plans
- Less critical employee positions held vacant to increase savings

Fairfax runs lean budgets and employs the fewest employees per capita of any small town in Marin. At the same time, it has maintained locally controlled 24/7 public safety services, second to none in cost and effectiveness. Public works projects have repaired local roads, led our recovery from the 2005 flood, and improved our pedestrian and bicycle school safety routes. Fairfax's combination of thrift, innovation and open government deserves to be preserved.

**PLEASE VOTE YES ON J**

s/BARBARA COLER  
Fairfax Councilmember

s/JOHN REED  
Fairfax Councilmember

s/DAVID WEINSOFF  
Fairfax Mayor

s/LARRY BRAGMAN  
Fairfax Vice Mayor

s/RENÉE GODDARD  
Fairfax Councilmember

**NO REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE J WAS FILED.**

## ARGUMENT AGAINST MEASURE J

Citizens for Sustainable Pension Plans recommends that you vote “NO” on Measure J. Our reasoning follows:

- Measure J requests taxpayer money to provide services that should be funded through the normal operating revenues of the Town.
- The Town has asked for funding to mask the systematic mismanagement of their operations.
- Money is fungible. A “YES” vote on Measure J is a vote to allow our elected officials to avoid setting priorities and allocating funds appropriately.
- The systematic mismanagement of operations is highlighted through excessive pensions and retiree medical plans.

Mismanaged pensions and other retirement plans are endemic in the public sector and the Town is no exception. These plans suffer from major problems:

- The plans are extremely generous. The value of the plans dwarfs the value of corresponding plans provided in the private sector.
- In addition to their lavish plan costs, the plans are subject to extreme cost fluctuations and risk. The costs of plans are based upon very optimistic assumptions. Unless those assumptions are met (and they have not been this century), there is a funding shortfall (i.e., unfunded liability). This shortfall is recovered through increased contributions from the Town (i.e., the taxpayer).
- These higher contributions come at a cost. Either the Town reduces services or it requests more money. Measure J is an example of a request for more money from the taxpayer.

If taxpayers vote for Measure J, they are enabling the Town to continue its mismanagement by maintaining its rich and financially volatile retirement plans. A better idea is that the Town reform its plans to stabilize its budget and to eliminate the need for taxpayer requests such as Measure J.

Vote against this measure!

s/JODY MORALES

Founder and President,  
Citizens for Sustainable Pension Plans

## REBUTTAL TO ARGUMENT AGAINST MEASURE J

The opposition argument is full of misstatements and half-truths.

**Here are the facts about Measure J** - It is not a new tax, it continues the taxes with a modest \$20 increase to keep our Police Station open 24/7, maintain our Fire Department services, provide funding for public works and safety projects, and enhance youth and senior programs.

**Fairfax has already taken many steps to reduce our pension liabilities** - We have reduced pension benefits for new hires and Town employees now pay their full share into their pension plans. We have implemented plans to pay off pension liabilities over the next few years for Town staff and Police. The pension liability for Fire was refinanced in 2012 with a short term bond measure that allows for more manageable payments. We have also held less critical employee positions vacant to increase our savings.

**Measure J funds will be locally controlled.** The State cannot take away any of these funds. Fairfax embraces open government and transparency for all our actions - we will continue having an independent citizen’s committee annually review expenditures for this measure. Fairfax cannot afford to lose these funds - costs to maintain public services have increased. **Continuation of this measure is sound fiscal policy which is critical to ensure our town’s solvency and maintain local control.**

**Don’t be misled** - Measure J is not about pension liability or mismanagement of funds. Fairfax has always been fiscally responsible, conservative and prudent.

**Please vote Yes on Measure J**

s/BARBARA COLER

Fairfax Councilmember

s/LARRY BRAGMAN

Vice Mayor

s/DAVID WEINSOFF

Mayor

s/BARBARA L. PETTY

Town Treasurer

s/JENNIFER HAMMOND

Executive Director/Sustainable Fairfax

**FULL TEXT OF MEASURE J**

**RESOLUTION 14-35**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX CALLING A SPECIAL MUNICIPAL ELECTION TO BE HELD IN ITS JURISDICTION ON NOVEMBER 4, 2014 FOR THE PURPOSE OF SUBMITTING TO VOTERS A MEASURE AUTHORIZING THE CONTINUATION OF A SPECIAL TAX FOR POLICE AND FIRE SERVICES STAFFING, PUBLIC WORKS SAFETY IMPROVEMENTS, MATCH FUNDING FOR STATE AND FEDERAL PUBLIC WORKS GRANTS AND YOUTH AND SENIOR PROGRAMS; REQUESTING THE MARIN COUNTY BOARD OF SUPERVISORS TO CONSOLIDATE WITH THE GENERAL ELECTION CONDUCTED ON THAT DATE; AND REQUESTING ELECTION SERVICES OF THE COUNTY CLERK**

**WHEREAS**, on November 3, 2009, the voters of the Town of Fairfax approved a special tax to maintain 24-hour, seven days per week staffing of Police and Fire Services, to perform Public Works safety improvements, to meet matching fund requirements needed to receive state and federal public works grants, and to revitalize youth programs; and

**WHEREAS**, the special tax is scheduled to expire on June 30, 2015; and

**WHEREAS**, the Town Council desires to hold a special municipal election to be consolidated with the statewide general election scheduled to be held on November 4, 2014; and

**WHEREAS**, at that election there shall be submitted to the qualified voters of the Town, the following question:

**"Shall an ordinance combining Fairfax's existing \$50 annual general tax with our \$125 special tax and a \$20 increase be adopted approving a five-year renewal of the special Fairfax municipal services tax of \$195 annually for each business occupancy and dwelling unit, in order to:**

- Keep our local Police Station open 24/7;**
- Maintain Fire Department services;**
- Provide funding for Public Works/safety projects;**
- Enhance Youth and Senior programs; and**
- Continue the Citizen's Oversight Committee?"**

**WHEREAS**, if this measure receives approval by two-thirds of the voters voting thereon, the ordinance in the form attached hereto as Exhibit "A" shall be adopted; and

**WHEREAS**, pursuant to Section 10002 of the Elections Code, the Town may request the Board of Supervisors to permit the County Clerk to render specified services to the Town relating to the conduct of the election on a reimbursable basis; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Town of Fairfax as follows:

1. That a special municipal election is hereby called to be held on November 4, 2014, at which the ballot question set forth above shall be determined by the voters. The

text of the proposed ordinance to be submitted to the voters is attached hereto as Exhibit "A" and incorporated herein by reference; and

2. That the Board of Supervisors of the County of Marin is hereby requested to consolidate said election with the general election to be conducted on the same day, as provided in Elections Code Sections 10400 *et seq.*; and
3. The Town of Fairfax recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for any such costs upon presentation of a reasonable detailed invoice as required by Elections Code Section 10002; and
4. In all particulars not recited in this Resolution, the municipal election shall be held and conducted as provided by law for holding consolidated municipal elections. The Town Council hereby acknowledges that the consolidated election shall be held and conducted in the manner proscribed in Elections Code Section 10418; and
5. That the Board of Supervisors of the County of Marin is hereby requested to authorize the County Clerk to render the following specified services for the Town of Fairfax relating to the conduct of the election to be held on November 4, 2014: Preparation of voter indexes; voter counting by precinct; verification of signatures; drayage and rental of polling places; printing of measures and arguments; printing of sample and official ballots; appointment and notification of election officers; mailing of sample ballots and polling place notification; provision of precinct supplies; training of precinct workers; processing of absentee ballots; central counting; canvass of votes cast; and
6. The Town Clerk is hereby ordered and directed to file a certified copy of this resolution with the Board of Supervisors of the County of Marin no later than August 8, 2014.
7. The Town Clerk's office shall publish the required notice in the Town of Fairfax pursuant to Elections Code Sections 12111.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Fairfax on the 16th day of July 2014, by the following vote:

**AYES: Bragman, Coler, Goddard, Reed, Weinsoff**

**NOES: None**

**ABSENT: None**

**ABSTAIN: None**

s/DAVID WEINSOFF  
Mayor

ATTEST:  
s/MICHELE GARDNER  
Town Clerk

## EXHIBIT A

Ordinance No. \_\_\_\_\_

### 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 improvements, 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 certify 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.

By:

DAVID WEINSOFF  
Mayor

ATTEST:  
MICHELE GARDNER  
Town Clerk