

**TOWN OF SAN ANSELMO
STAFF REPORT
July 6, 2010**

For the Meeting of July 13, 2010

TO: Town Council
FROM: Debra Stutsman, Town Manager
SUBJECT: Canvass of Returns of June 8, 2010 Election

RECOMMENDATION

That Council approve the resolution declaring the canvass of returns and results of the Statewide Director Primary Election held on June 8, 2010; and authorize the mayor to sign into law the ordinance approved by the voters.

BACKGROUND

The Town of San Anselmo had one initiative measure on the June ballot, calling for a \$49 per parcel tax for a Special Library Services Tax. The measure passed with a 75.87% approval rating. The ballot language read as follows:

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?

ANALYSIS

The ballot measure was an initiative proposed by members of the San Anselmo community and included an ordinance enacting the tax, that would go into effect if the measure was passed by the voters by a 2/3 majority. Because the measure did pass in an election, the ordinance goes into effect without the usual time constraints.

Respectfully submitted,



Debra Stutsman
Town Manager

Attachments:

1. Certificate of Canvass of Votes and the Statement of Votes Cast
2. Resolution declaring canvass of returns
3. Ordinance enacting the special tax



REGISTRAR OF VOTERS

ELAINE GINNOLD
Registrar of Voters

MELVIN BRIONES
Assistant Registrar of Voters

June 28, 2010

Town of San Anselmo
Attn: Town Clerk
525 San Anselmo Ave
San Anselmo, CA 94960

Dear Town Clerk:

Enclosed is the Certificate of Canvass of Vote and your copy of the Statement of Results of Votes Cast in the Town of San Anselmo Measure B. It will appear on the Board of Supervisors June 29, 2010 consent calendar.

If we can be of further assistance, please do not hesitate to contact our office.

Sincerely,

ELAINE GINNOLD
Registrar of Voters

MELVIN BRIONES
Assistant Registrar of Voters

Encl.

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ATTACHMENT #1

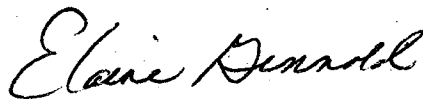
CERTIFICATE OF CANVASS OF VOTE

I, ELAINE GINNOLD, Registrar of Voters, County of Marin, State of California, do hereby certify that on June 25, 2010, I canvassed the vote cast at the Statewide Direct Primary Election held on June 8, 2010, 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 25th day of June, 2010.

SEAL



ELAINE GINNOLD
Registrar of Voters

MARIN COUNTY - REGISTRAR OF VOTERS
 DIRECT PRIMARY ELECTION
 JUNE 8, 2010

Date:06/28/10
 Time:14:38:56
 Page:1 of 1

OFFICIAL FINAL STATEMENT OF VOTES CAST

	TURN OUT			TOWN OF SAN ANSELMO - MEASURE B (2/3rds Vote Required)					
	Reg. Voters	Cards Cast	% Turnout	Reg. Voters	Times Counted	Total Votes	YES	NO	
Jurisdiction Wide									
0002005									
Polling	1218	185	15.19%	1218	185	183	153	83.61%	30 16.39%
VBM	1218	483	39.66%	1218	483	478	358	74.90%	120 25.10%
Total	1218	668	54.84%	1218	668	661	511	77.31%	150 22.69%
0002006									
Polling	1122	257	22.91%	1122	257	252	219	86.90%	33 13.10%
VBM	1122	338	30.12%	1122	338	332	260	78.31%	72 21.69%
Total	1122	595	53.03%	1122	595	584	479	82.02%	105 17.98%
0002007									
Polling	34	9	26.47%	34	9	9	8	88.89%	1 11.11%
VBM	34	0	0.00%	34	0	0	0	-	0 -
Total	34	9	26.47%	34	9	9	8	88.89%	1 11.11%
0002008									
Polling	997	161	16.15%	997	161	151	116	76.82%	35 23.18%
VBM	997	358	35.91%	997	358	349	246	70.49%	103 29.51%
Total	997	519	52.06%	997	519	500	362	72.40%	138 27.60%
0002009									
Polling	1014	203	20.02%	1014	203	196	153	78.06%	43 21.94%
VBM	1014	356	35.11%	1014	356	343	244	71.14%	99 28.86%
Total	1014	559	55.13%	1014	559	539	397	73.65%	142 26.35%
0002010									
Polling	1036	179	17.28%	1036	179	176	133	75.57%	43 24.43%
VBM	1036	382	36.87%	1036	382	369	263	71.27%	106 28.73%
Total	1036	561	54.15%	1036	561	545	396	72.66%	149 27.34%
0002205									
Polling	963	227	23.57%	963	227	221	168	76.02%	53 23.98%
VBM	963	299	31.05%	963	299	293	209	71.33%	84 28.67%
Total	963	526	54.62%	963	526	514	377	73.35%	137 26.65%
0002206									
Polling	981	168	17.13%	981	168	164	119	72.56%	45 27.44%
VBM	981	301	30.68%	981	301	296	219	73.99%	77 26.01%
Total	981	469	47.81%	981	469	460	338	73.48%	122 26.52%
0002207									
Polling	877	158	18.02%	877	158	154	125	81.17%	29 18.83%
VBM	877	260	29.65%	877	260	253	208	82.21%	45 17.79%
Total	877	418	47.66%	877	418	407	333	81.82%	74 18.18%
Total									
Polling	8242	1547	18.77%	8242	1547	1506	1194	79.28%	312 20.72%
VBM	8242	2777	33.69%	8242	2777	2713	2007	73.98%	706 26.02%
Total	8242	4324	52.46%	8242	4324	4219	3201	75.87%	1018 24.13%

**TOWN OF SAN ANSELMO
RESOLUTION NO. _____**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO
DECLARING THE CANVASS OF RETURNS AND RESULTS OF THE DIRECT PRIMARY
ELECTION HELD ON JUNE 8, 2010**

WHEREAS, a Direct Primary Election was held on June 8, 2010; and

WHEREAS, notice of said election was duly and legally given as required by law, and voting precincts properly established; that election officials were duly appointed and served, and election supplies furnished and that in all respects said election was held and conducted and the votes thereat received and canvassed by the Election Code of the State of California governing elections in General Law Cities; and

WHEREAS, the following initiative ballot question was presented to voters:

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?

WHEREAS, San Anselmo voters passed the initiative ballot measure by 75.8%; and

WHEREAS, the San Anselmo Town Council met on Tuesday, June 13, 2010 to canvass the returns of said election.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the San Anselmo Town Council finds that the number of votes cast and other matters required by law to be as stated in the attached Certificate of Canvass of Vote by Elaine Ginnold, Registrar of Voters.

I hereby certify that the foregoing resolution was duly passed and adopted by the Town Council of the Town of San Anselmo at a regular meeting held on the 13^h day of July, 2010, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Barbara Thornton, Mayor

ATTEST:

Barbara Chambers, Town Clerk

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ATTACHMENT #2

INITIATIVE MEASURE SUBMITTED TO THE VOTERS

MUNICIPAL

**TOWN OF SAN ANSELMO
SPECIAL LIBRARY SERVICES TAX
MEASURE ___**

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?

**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.

Declared approved by the San Anselmo Town Council on July 13, 2010.

AYES:
NOES:
ABSENT:

Barbara Thornton, Mayor

ATTEST:

Barbara Chambers, Town Clerk

TOWN OF SAN ANSELMO

RESOLUTION NO. _____

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO
APPROVING THE SPECIAL LIBRARY SERVICES TAX FOR THE 2010-2011
FISCAL YEAR**

WHEREAS, on June 8, 201, the voters of San Anselmo approved Measure B authorizing the Special Library Services Tax

WHEREAS, the proceeds of the Special Library Services Tax will be spent for the purpose of improving children's librarian services, hiring a children's librarian and enhancing general library services

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Town of San Anselmo does hereby confirm and levy a tax in the amount of \$49 per year per real estate parcel located in the Town of San Anselmo, for a period of five years, to be used to augment the money from the Town of San Anselmo's General Fund currently used to fund library services.

I hereby certify that the foregoing Resolution was passed and adopted by the San Anselmo Town Council at a regular meeting thereof held on the 13th day of July, 2010, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Barbara Thornton, Mayor

Barbara Chambers, Town Clerk