

CITY OF



San Rafael

Agenda Item No: 4

Meeting Date: **March 15, 2010**

SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: City Attorney

Prepared by: Robert F. Epstein, City Attorney *RF* City Manager Approval: *JS*

SUBJECT: City Attorney's Impartial Analysis of San Rafael Special Library Services Parcel Tax Measure

RECOMMENDATION:

Review and accept the City Attorney's Impartial Analysis for the San Rafael Special Library Services Parcel Tax Measure on the June 8, 2010 ballot.

BACKGROUND:

On February 16, the City Council adopted Resolution No. 12917 calling a Special Municipal Election for June 8, 2010 and placing the San Rafael Special Library Services Parcel Tax Measure on the ballot at that election. The Council also directed the City Attorney to prepare an impartial analysis of the measure to be filed with the City Clerk and printed in the voter information pamphlet. The impartial analysis is not meant to advocate a position on the measure, but rather must show the effect of the measure on the existing law and the operation of the measure.

The City Attorney has prepared the impartial analysis and it is attached for the Council's review.

ACTION REQUIRED: Accept report.

FISCAL IMPACT: None.

ATTACHMENTS: Impartial Analysis by the City Attorney – Measure ____

FOR CITY CLERK ONLY

File No.: 9-4 + 9-3-16

Council Meeting: 3/15/2010

Disposition: Accepted Report

**IMPARTIAL ANALYSIS
BY THE CITY ATTORNEY
MEASURE ____**

If approved by the voters, this measure would adopt a new City of San Rafael ordinance imposing a new Special Library Services Parcel Tax on all residential and non-residential parcels in San Rafael, the proceeds of which would be used exclusively for services and facilities for the San Rafael Public Library.

If approved by the voters, the special parcel tax would be imposed each year for seven years starting in fiscal year 2010-2011, at the rate of \$49 per parcel for single family residential parcels; \$49 per parcel for nonresidential parcels; and \$49 per parcel plus \$10 per living unit for multifamily residential parcels up to a maximum of \$1,000 per year. The tax would be included on and payable with the property owner's Marin County property tax bill.

The measure would provide an exemption from the tax, upon approved application to the City's Library Director, for any person at least 65 years old who owns a parcel used solely for owner-occupied single-family residential purposes.

The measure would require that the tax proceeds be used only locally to staff, provide, maintain, and improve hours of operation, services, equipment, facilities, and materials at the San Rafael Public Library; to provide and improve Library programs and materials for children, teens, adults, seniors, literacy learners and people with disabilities; and to help with the City of San Rafael's long-term goal of setting aside funds for necessary facility improvements to the San Rafael Public Library.

The measure would require that the tax proceeds be placed into a separate account subject to an annual report by the City's Finance Director.

The measure would require that the City Council, within 60 days after the election, establish an independent citizens' oversight committee to review the collection and expenditure of special tax revenues, with duties to be established by resolution of the City Council.

To become effective, this measure must be approved by two-thirds of the electors voting at the election.

A **YES** vote approves the measure.

A **NO** vote rejects the measure.



Robert F. Epstein
City Attorney of San Rafael