

RESOLUTION NO. 39/2022

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CORTE MADERA CALLING FOR AND GIVING NOTICE OF THE HOLDING OF THE GENERAL MUNICIPAL ELECTION ON NOVEMBER 8, 2022 TO ELECT THREE COUNCILMEMBERS; SUBMITTING TO THE VOTERS OF THE TOWN A MEASURE TO AUTHORIZE RENEWAL OF A SPECIAL TAX FOR PARAMEDIC SERVICES; AND REQUESTING THAT THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN CONSOLIDATE SAID ELECTION WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE SAME DATE.

WHEREAS, California Government Code Section 36503 and California Elections Code Section 1000(e) provide that a General Municipal Election may be conducted on November 8, 2022; and

WHEREAS, the voters of the Town of Corte Madera must elect three members of the Town Council for the term of office in which three vacancies will be created in December 2022 and which will end in 2026; and

WHEREAS, the Town of Corte Madera desires to continue a special tax in the amount specified herein for paramedic and emergency medical services in the Town and to submit this special tax, as Ordinance No. 1021, to the Town's voters at the November 8, 2022 election; and

WHEREAS, Sections 10403 and 10418 of the California Elections Code provide that the Town Council may request the County of Marin Board of Supervisors to permit the County Elections Official to render specified services relating to the conduct of the election on a reimbursable basis; and

WHEREAS, it is desirable that the election on three Councilmember seats and this special tax be consolidated with the general election to be held on the same date and that within the Town, the precincts, polling places and election officers of the two elections be the same; and

WHEREAS, it is desirable that the County Election Department of the County of Marin canvass the returns of the General Municipal Election and that the election be held in all respects as if there were only one election.

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Corte Madera that:

SECTION 1. Election Called. Pursuant to its right, power, and authority under the laws of the State of California and the Town of Corte Madera Municipal Code, there is hereby called and ordered to be held in the Town of Corte Madera, California, on Tuesday, November 8, 2022 a General Municipal Election for the election of three Town Councilmembers for the full term of four years each and to submit to the voters Ordinance No. 1021, continuing a special parcel tax for the provision of paramedic and/or emergency medical services. Ordinance No. 1021 is attached hereto as Exhibit A and is incorporated herein by reference.

SECTION 2. Candidate Filing Deadline. Candidates for the Corte Madera Town Council shall file nomination papers with the Corte Madera Town Clerk between July 18, 2022,

and August 12, 2022. Should any incumbent officer of the Town not file during this period, the filing period will be extended through August 17, 2022 for non-incumbents only.

SECTION 3. Approval of Ordinance. The Town Council hereby approves Ordinance No. 1021, the form thereof, and its submission to the voters of the Town at the November 8, 2022 election. Ordinance No. 1021, hereby proposed pursuant to Article XI of the California Constitution, states the type of tax, the rate and maximum amount of tax, the specific limitations on the uses of the tax, and the method of collection. The entire text of the ordinance shall be made available to the public upon request.

SECTION 4. Ballot Question. The special parcel tax measure shall be submitted to the voters on the ballot in the form of the following question:

Town of Corte Madera	
<i>To maintain rapid 9-1-1 emergency response times and preserve the number of on-duty paramedics ready to respond to accidents/ medical emergencies, shall the measure continuing the paramedic services special tax for four years at an annual amount of \$78 per residence and per 1,000 square feet of floor area for nonresidential uses for fiscal years 2023-2024, and thereafter increased \$3 per year up to \$87, generating approximately \$504,400 annually for local paramedic services, subject to annual audits and public spending disclosure, be adopted?</i>	YES
	NO

SECTION 5. Effective Date of Ordinance. Should the ordinance be approved by a two-thirds vote of the voters voting on the measure, Ordinance No. 1021 shall go into effect ten days after the vote is declared by the Town Council.

SECTION 6. Impartial Analysis. The Town Attorney is hereby directed to prepare an impartial analysis of the ballot measure pursuant to Elections Code Section 9280, showing the effect of the measure on the existing law and the operation of the measure. The impartial analysis shall be filed by the date set by the Town Clerk.

SECTION 7. Ballot Argument. Pursuant to Elections Code Section 9282, Mayor Casissa and Councilmember Beckman are hereby authorized to prepare a written argument in support of the ballot measure, not to exceed 300 words, on behalf of the Town Council, and to select three or four community members to sign the argument, at least one of whom must be a Councilmember. The deadline for filing arguments for and against the ballot measure with the Town Clerk shall be August 22, 2022. The arguments may be changed or withdrawn until and including that date.

SECTION 8. Rebuttal Argument. The Town Council hereby adopts Elections Code

Section 9285(a), permitting the filing of rebuttal arguments. When the Town Clerk has selected the arguments for and against the ballot measure, which will be printed and distributed to the voters, the Town 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. Rebuttal arguments shall be filed with the Town Clerk by August 29, 2022 and shall not exceed 250 words in length.

SECTION 9. Ballot Format. The ballots to be used at the election shall be in the same form and content as required by law.

SECTION 10. Requesting the Consolidation of Elections. Pursuant to Elections Code Sections 10403 and 10418, the Board of Supervisors of the County of Marin is hereby requested to consolidate the General Municipal Election on Tuesday, November 8, 2022, provide all services necessary for this election, and print ballots including the Councilmember elections and ballot measure hereinabove set forth, provided that no person not a qualified elector of the Town of Corte Madera shall be permitted to vote for the Councilmembers or ballot measure. Within the Town of Corte Madera, the election precincts, polling places, and voting booths shall in every case be the same as those selected and designated by the County of Marin Registrar of Voters. The Town of Corte Madera agrees to reimburse the County of Marin for costs incurred by reason of this consolidation.

SECTION 11. Notice to County of Marin. The Town Clerk shall file a certified copy of this Resolution with the Board of Supervisors of the County of Marin and the Registrar of the County of Marin, pursuant to Elections Code Section 10403.

SECTION 12. Notice of Election. The Town Clerk is authorized and directed to give notice of the election as required by law. In accordance with Sections 12110 and 12111 of the Elections Code and Section 6061 of the Government Code, the Town Clerk shall cause notice of the Councilmember election and ballot measure to be published once in the Marin Independent Journal, a newspaper of general circulation, printed, published, and circulated in the Town of Corte Madera and hereby designated for that purpose by the Town Council of Corte Madera. The Town Clerk may request that the County of Marin Elections Department prepare and publish the required notice.

SECTION 13. Hours of Polling. The polls for said election shall be opened at 7:00 a.m. on the day of said election and shall remain open continuously from said time until 8:00 p.m. of the same day when said polls shall be closed, except as provided in Section 14401 of the Elections Code.

SECTION 14. Other Procedures. In all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 15. Certification. The Town Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

SECTION 16. Severability. If any section, subsection, sentence, clause, phrase or portion of this Resolution or its application to any person or circumstance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution or its

application to other persons and circumstances. The Town Council of the Town of Corte Madera hereby declares that it would have adopted this Resolution and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional and, to that end, the provisions hereof are hereby declared to be severable.

SECTION 17. Compliance with the California Environmental Quality Act. The adoption of this Resolution is exempt from the California Environmental Quality Act (Public Resources Code §§ 21000 et seq. (“CEQA”) and 14 Cal. Code Reg. §§ 15000 et seq. (“CEQA Guidelines”). The calling and noticing of a Special Municipal Election is not a project within the meaning of CEQA Guidelines section 15378, subsection (b)(3).

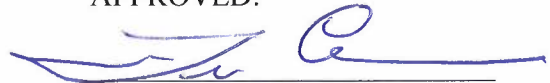
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I, the undersigned, hereby certify that the foregoing is a full, true and complete copy of a resolution duly passed and adopted by the Council of the Town of Corte Madera at a regular meeting thereof held on the 21st day of June, 2022, by the following vote:

Ayes, and in favor thereof, Council Members: Beckman, Casissa, Lee, Mongan, Ravasio
Noes, Council Members: - None -
Abstain, Council Members: - None -
Absent, Council Members: - None -

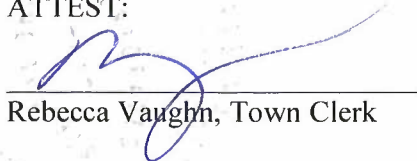
Dated:

APPROVED:



Fred Casissa, Mayor

ATTEST:



Rebecca Vaughn, Town Clerk

ORDINANCE NO. 1021

AN ORDINANCE OF THE TOWN OF CORTE MADERA
IMPOSING AND EXTENDING A SPECIAL TAX FOR
PARAMEDIC AND/OR EMERGENCY MEDICAL SERVICES

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

Section 1: Chapter 3.50 of the Town of Corte Madera Municipal Code is hereby amended 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 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, pursuant to Article XI of the California Constitution, to impose a special tax on residential and nonresidential property within the town of Corte Madera (Town), the proceeds of which shall be used exclusively to fund paramedic and/or emergency medical services. This parcel tax is neither an ad valorem tax on real property nor a transaction or sales tax on the sale of property. It is an excise tax on the privilege of using District services. It is a special tax and requires two-thirds voter approval.

3.50.020 Definitions.

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

(a) Floor area. "Floor area" means the total enclosed area of all floors of a building measured to the outside face of the walls.

(b) Nonresidential Use. "Nonresidential use" means 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.

(c) Residential Unit. "Residential unit" means 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 3.50.040 shall be imposed on nonresidential uses and on residential units in the amount specified below for each fiscal year from 2023 to 2027:

(a) Nonresidential Uses. For each 1,000 square feet of floor area of nonresidential uses, the tax amount shall be:

- (1) Seventy-eight dollars for fiscal year 2023-2024;
- (2) Eighty-one dollars for fiscal year 2024-2025;
- (3) Eighty-four dollars for fiscal year 2025-2026; and
- (4) Eighty-seven dollars for fiscal year 2026-2027.

(b) Residential Units. For each residential unit, the tax amount shall be:

- (1) Seventy-eight dollars for fiscal year 2023-2024;
- (2) Eighty-one dollars for fiscal year 2024-2025;
- (3) Eighty-four dollars for fiscal year 2025-2026; and
- (4) Eighty-seven dollars for fiscal year 2026-2027.

3.50.040 Limitation on use of tax proceeds.

The proceeds of the special tax imposed by this chapter shall be deposited into a special fund in the Town treasury and used specifically and solely for the purpose of providing paramedic and/or emergency medical services. This limitation on the use of the proceeds shall be legally binding and enforceable.

3.50.045 Appropriations limit.

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 to permit the expenditure of the proceeds of the tax imposed by this Ordinance for the specific and limited purposes set forth in section 3.50.40.

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.

3.50.055 Accountability report.

The Town Treasurer shall prepare and file with the Town Council a report by August 1st of each year stating: (a) the amounts collected and spent by the Town in the previous fiscal year, (b) the status of services authorized to be funded by the proceeds of this tax, and (c) the funds carried over from previous years and to be carried over to future years. Such report shall be available for inspection without charge to any property owner in the Town.

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.

3.50.065 Refunds.

Whenever the amount of any tax, penalty, or interest imposed by this Ordinance has been paid more than once, or has been erroneously or illegally collected or received by the Town, it may be refunded provided a verified claim in writing therefor, stating the specific ground upon which such claim is founded, is filed with the Treasurer within one (1) year of the date of payment. The claim shall be filed by the person who paid the tax or such person's guardian, conservator, or the executor of her or his estate and shall contain the information required by Government Code section 910 for claims to which that section applies. No claim may be filed on behalf of other taxpayers or a class of taxpayers. If a claim is approved by the Town Council, the excess may be refunded or may be credited against any amounts then due and payable from the person from whom it was collected, and the balance may be refunded to such person, his/her administrators or executors. Filing a timely and sufficient claim shall be a condition precedent to legal action against the Town for a refund of the tax.

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 sole and 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 re-assign the duties of public officials under this chapter. In no event, however, may the Town Council increase the tax amount specified in Section 3.50.030 or modify the specific and limited purposes for which the tax may be utilized as provided for in Section 3.50.040 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 8, 2022. 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 Town Council.

3.50.100 Sunset provision.

This Ordinance shall expire and be of no further force or effect after midnight, June 30, 2027.

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 8th day of November, 2022.

Mayor

ATTEST:

Rebecca Vaughn, Town Clerk