

RESOLUTION NO. 2010-_____
RESOLUTION OF THE BOARD OF SUPERVISORS OF THE MARIN COUNTY FREE LIBRARY CALLING FOR AN ELECTION TO IMPOSE A SPECIAL TAX UPON PARCELS LOCATED WITHIN THE COUNTY OF MARIN FOR THE PURPOSE OF PROVIDING ESSENTIAL FUNDING TO PROTECT AND MAINTAIN LIBRARY SERVICES

WHEREAS, the Board of Supervisors determines that it is the best interest of property owners within the County Free Library to place a levy on parcels in the Marin County Library to provide critical funding for library services and facilities for the residents of the District and to fund said services through imposition of a special tax; and

WHEREAS, pursuant to California Education Code Section 19173; California Government Code Sections 29100, et seq. and 50075, et seq., Revenue and Taxation Code Section 2151, et seq., and in compliance with California Constitution Article XIIC, the Board of Supervisors is hereby authorized to adopt this resolution to establish and impose (subject to voter approval) a special tax upon all taxable real property located within the Marin County Free Library; and

WHEREAS, the Board of Supervisors proposes to impose a special tax in the amounts specified below beginning fiscal year 2010-2011 and continuing through fiscal year 2014-2015; and

WHEREAS, the special tax continuing for a period of five (5) years, if approved by the electorate, will not exceed the spending limit pursuant to California Constitution Article XIIB; and

WHEREAS, the Board of Supervisors conducted a public hearing on February 9, 2010.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the special tax established by this Resolution shall be submitted to the registered voters within the Marin County Free Library in the primary Election on June 8, 2010. The question submitted to the voters shall read substantially as follows:

To provide critical funding to: bring local libraries up to date, prevent closures, and maintain library hours; provide children, teen, senior and disabled programs including adult and family literacy; maintain collections of books, CDs, DVDs, materials and services; provide ADA accessibility; and ensure local funding that can't be taken by the State, shall Marin County Free Library be authorized to levy \$49 per parcel annually for 5 years, including independent citizen oversight and senior citizen exemptions?

BE IT FURTHER RESOLVED that the special tax is for the specific purpose of bringing libraries up-to-date, preventing library closures, maintaining library hours, preserving educational and job-seeking resources for low-income residents and preventing staff lay-offs, maintaining collections of books, CDs, DVDs, materials and services; providing ADA accessibility; and ensuring local funding that can't be taken by the State.

BE IT FURTHER RESOLVED that the proceeds for the special tax be applied only to the specific purposes stated above.

BE IT FURTHER RESOLVED that should the electorate approve the special tax, a special account will be created into which the special tax proceeds will be deposited.

BE IT FURTHER RESOLVED that the chief fiscal officer is hereby directed to prepare an annual report pursuant to Government Code Section 50075.3.

BE IT FURTHER RESOLVED that the Marin County Board of Supervisors will appoint an independent citizen oversight committee to ensure that the funds are spent as described above.

BE IT FURTHER RESOLVED that a "parcel" shall be defined as any parcel of land, developed or undeveloped, wholly or partially located within the District, for which the County Assessor of Marin County has assigned an assessor's identification number, provided, however, that any such parcels which are contiguous, used solely for owner-occupied single family residential purposes and held under the identical ownership, may, upon approval of an application of the owners thereof to the Director of County Library Services or his/her designee, be treated as a single parcel for purposes for this special tax.

BE IT FURTHER RESOLVED that any owner age sixty-five (65) years and over of a parcel used solely for owner-occupied single family residential purposes may obtain an exemption from the special tax upon approval of an application of such owner submitted to the Director of County Library Services or his/her designee.

BE IT FURTHER RESOLVED that parcels which are classified by County Assessor Use Codes 15 and 60-90 are exempt from this special tax.

BE IT FURTHER RESOLVED that pursuant to the provisions of Elections Code Section 1002, the Board of Supervisors of the Marin County Free Library authorizes and directs the Marin County Clerk/Registrar of Voters to render all services necessary for the conduct of the election. The costs of the ballot election shall be borne by the Marin County Free Library.

BE IT RESOLVED that the Marin County Tax Collector shall collect the special tax annually in the same manner and subject to the same penalties as County property taxes are collected. The County shall be entitled to deduct its reasonable costs incurred collecting the special tax before such tax is remitted to the Marin County Free Library.

BE IT FURTHER RESOLVED that the special tax shall be deemed established and shall be in effect beginning with the 2010-2011 fiscal year upon certification of the election results evidencing approval by at least two-thirds of the registered voters voting thereon.

BE IT FURTHER RESOLVED that this resolution shall be liberally construed to achieve its purposes and preserve its validity. If any section, subsection, sentence, clause or phrase of this resolution is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this resolution. The Board of Supervisors hereby declares that it would have passed this resolution and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

BE IT FURTHER RESOLVED that pursuant to Government Code Section 50077.5 and Code of Civil Procedure Section 860, any judicial action or proceeding to attack, review, set aside, or annul this special tax, if approved by the voters, shall be commenced within 60 days of the effective date of this resolution.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the Marin County Free Library held on the ____ day of February, 2010, by the following vote:

AYES: SUPERVISORS

NOES:

ABSENT:

PRESIDENT, BOARD OF SUPERVISORS OF
THE MARIN COUNTY FREE LIBRARY

ATTEST:

CLERK