

Atherton City Attorney's Impartial Analysis for Measure A

"In 2012 Measure L was passed by the voters to allow design and construction of a new Town Center City Hall complex. That measure asked voters what type of funds might be used to pay for the new structures, and indicated, possibly erroneously, that if approved, more than half the costs of construction would need to be non-general fund taxes. It was specifically noted that donations, grants, and existing building fees would be the primary source of funds.

Measure L was proposed by the City Council and was intended to be binding on future Councils. Recent case law interpretations would indicate the matter was advisory only because it failed to include an ordinance making the vote a law.

The Town Center project has gone through extensive design and is ready to move forward to construction. Despite extensive fund raising, it is clear that the substantial donations to date are insufficient to fund the total cost of the project.

The Town has substantial general tax funds it has identified that could be used to complete the project. While it is probable the City Council could simply approve use of these funds without voter approval, because of the confusion that Measure L might create, the Council has chosen to submit the matter to the voters for their opinion as to whether or not it is acceptable to use these available funds to complete the project, and they have placed this matter on the June 6, 2017 ballot for that purpose.

A yes vote on this measure would advise the Council that their desired use of general fund tax money to supplement the building fees and citizen donations is an appropriate means of funding this needed and essentially designed project.

A no vote on this measure would indicate that you do not wish the Council to use available general tax funds to supplement donations and fees to allow completion of this project.

Regardless of how voters respond, the City Council will remain free to pursue design and construction of a new Town Center if appropriate funding sources can be identified."