

Town of Atherton

Compiled by Town of Atherton City Clerk Ms. Theresa DellaSanta

Measure X

“To continue providing funding to maintain neighborhood police patrols and the Town’s ability to respond to emergencies, repairing and maintaining streets, and repairing and constructing storm drains, shall an ordinance be adopted to continue a Special Parcel Tax for four years and allowing for the expenditure of funds derived from such tax?”

Full Text

“AN ORDINANCE OF THE TOWN OF ATHERTON AUTHORIZING THE RENEWAL OF A SPECIAL TAX TO CONTINUE TO PROVIDE FUNDING FOR TOWN POLICE AND EMERGENCY SERVICES, INCLUDING MAINTAINING NEIGHBORHOOD POLICE PATROLS AND THE TOWN’S ABILITY TO RESPOND TO EMERGENCIES, REPAIRING AND MAINTAINING STREETS, AND REPAIRING AND CONSTRUCTING STORM DRAINS, FOR FOUR YEARS, AND ALLOWING EXPENDITURES OF FUNDS DERIVED FROM SUCH TAX”

The people of the Town of Atherton do ordain as follows:

SECTION 1. AUTHORITY TO ADOPT MEASURE.

This ordinance and the tax authorized herein are adopted pursuant to the provisions of the California Constitution, Articles XIII A §4 and XIII C §2, XIII B and pursuant to Sections 50075 and following 53722 of the California Government Code.

SECTION 2. INCREASE IN APPROPRIATIONS LIMIT. Pursuant to Article XIII B of the California Constitution, the appropriations limit for the Town of Atherton will be increased for four fiscal years, commencing with the 2014-15 fiscal year, by the amount of money levied under a voter-approved parcel tax.

SECTION 3. AUTHORIZATION TO LEVY SPECIAL TAX. If, for any fiscal year commencing on or after July 1, 2014, the City Council shall determine that certain police, emergency response services, street repair and maintenance, and drainage facility repair and maintenance are necessary for the public good, welfare, and safety, and that the cost of providing such services will exceed the amount of funds generated through other revenue and income, and/or if capital improvements are required, the cost of which exceeds the amount of funds generated through other revenues and receipts, then it may levy a special tax for such fiscal year on each parcel of property within the Town in the manner provided herein. This special tax shall be in addition to the annual tax rate allowed by law.

SECTION 4. DETERMINATION OF AMOUNT TO BE RAISED. Each year following adoption of the Town’s annual budget, the City Council will determine the total amount of expenditures necessary to provide adequate levels of the municipal services identified in Section 2 above and capital improvements and deduct therefrom the projected revenue to be gathered from sources other than this special tax. The difference, if any, shall be the maximum amount of funds to be derived from the tax authorized by this ordinance for such year.

SECTION 5. MAXIMUM TAX RATE/METHOD OF ASSESSMENT. After determining the amount of tax to be raised under Section 3, the City Council shall apportion said amount among the parcels of real property within the Town not exempted by law as follows:

MAXIMUM TAX IN GIVEN YEAR

| | 2014-15 | 2015-16 | 2016-17 | 2017-18 |
|--|---------|---------|---------|---------|
| 1. For each dwelling on a parcel with an area of less than 1/4 acre: | 450 | 450 | 450 | 450 |
| 2. For each unimproved parcel with an area of less than 1/4 acre: | 225 | 225 | 225 | 225 |
| 3. For each dwelling on a parcel with an area of 1/4 acre or more, but less than 1/2 acre: | 570 | 570 | 570 | 570 |
| 4. For each unimproved parcel with an area of 1/4 acre or more, but less than 1/2 acre: | 285 | 285 | 285 | 285 |
| 5. For each dwelling on a parcel with an area of 1/2 acre or more, but less than 2 acres: | 750 | 750 | 750 | 750 |
| 6. For each unimproved parcel with an area of 1/2 acre or more, but less than 2 acres: | 375 | 375 | 375 | 375 |
| 7. For each dwelling on a parcel with an area of 2 acres or more: | 960 | 960 | 960 | 960 |
| 8. For each unimproved parcel with an area of 2 acres or more: | 480 | 480 | 480 | 480 |
| 9. For each private club: | 10,000 | 10,000 | 10,000 | 10,000 |
| 10. For each parcel available for tax owned by a utility which serves the Atherton community: | 450 | 450 | 450 | 450 |
| 11. For each parcel available for tax owned by a utility which does not directly serve the Atherton community: | 750 | 750 | 750 | 750 |

The records of the San Mateo County Assessor, as of each year, shall determine whether or not any particular lot is unimproved for purposes of this ordinance.

SECTION 6. HEARING, TAX LIEN AND INCLUSION IN CITY TAXES. Prior to levying a special tax under this

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ordinance in any fiscal year, the City Council shall conduct a public hearing on the proposed tax. Such hearing shall be conducted after the City Council has adopted an annual budget for that year. Notice of such hearing shall be posted in at least three public places within the Town of Atherton at least fifteen days prior to the hearing. All of the information and material which the City Council intends to consider at such hearing and the amount of tax to be raised shall be made available to the public by being on file in the office of the City Clerk for at least fifteen days prior to said hearing. Following said hearing, the City Council may adopt a resolution fixing the amount of tax to be raised which shall not exceed the amount contained in the material on file in the Clerk's office. Any tax levied under this ordinance shall become a lien upon the properties against which it is assessed and collectible in the manner provided by applicable law and by the levying resolution.

SECTION 7. COLLECTION. The City Council may elect to have any special tax authorized under this Chapter either collected by the Town or, in the alternative, by the Tax Collector of San Mateo County. If the services of the Tax Collector of the County of San Mateo are elected, the special tax may only be included on the annual tax bill sent out by such Tax Collector. A certified copy of the resolution electing to use the service of the Tax Collector of San Mateo County shall be filed with said Tax Collector prior to September 1st of the fiscal year for which the tax is assessed and shall include a list of all parcels of real property to be taxed and the amount of each parcel.

SECTION 8. FUNDING AND EXPENDING PROCEEDS. Proceeds of any tax levied under this ordinance shall be deposited in a Special Fund and expended only for the purposes stated in this ordinance.

SECTION 9. SEVERABILITY. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect any other provision or applications, and to this end the provisions of this ordinance are declared to be severable.

SECTION 10. DURATION AMENDMENT OR REPEAL. The authorization to levy a tax under this ordinance shall commence with the Fiscal Year 2014-15, beginning July 1, 2014 and shall continue through and including June 30, 2018.

This ordinance shall be adopted if approved as an initiative measure by two-thirds of the voters voting at a Special Election to be held on November 5, 2013, and go into effect ten (10) days after the City Council has, by resolution, declared that such initiative measure was approved by two-thirds of the voters voting thereon."

Impartial Analysis of Measure X

The California Constitution and state law authorize the voters of a town, by a two-thirds majority, to approve a parcel tax for specified purposes. Since 1980, Atherton voters have approved such a parcel tax 8 times, the last in November 2009.

This measure would extend the parcel tax for four years at the current rates for the following purposes: (1) police emergency response services and neighborhood patrols; (2) street repair and maintenance; and (3) drainage facility repair and maintenance. Other governmental services will be paid from other revenue sources, mainly regular property taxes.

Before levying the parcel tax each year, the City Council must adopt an annual budget. It must hold a public hearing to establish the need for the proposed tax. The tax may not exceed the amount the City Council determines to be necessary to provide adequate levels of the municipal services and capital improvements described above after deducting the projected revenue to be gathered from other sources. That does not mean there are no other revenue sources that will also be used to fund police and other services. It means that in any given year there is always a strong competition for all of the available funds to pay for municipal services that are important to many residents, and that these additional funds will be used only for the uses set forth above.

There is a maximum amount each parcel can be assessed each year as set forth in Section 4 of the Ordinance which is included in the ballot materials. The tax imposed in any year will be collected by the County Tax Collector as part of the annual property tax bill or by the Town itself. Any funds collected shall be placed in a special fund that may be used only for the purposes stated in the ordinance, police and emergency services, and repair and maintenance of streets and storm drains. Use for any other purpose would be illegal. Any tax levied will be a lien on individual parcels.

The measure also authorizes the raising of the Town's appropriations limit as permitted by Cal. Const. art XIII B, §1, the so-called Gann limit, during the time in which this parcel tax is collected so the tax funds may be spent.

If approved, authority to levy this tax will commence for fiscal year 2014-2015 and will expire after fiscal tax year 2017-2018.

A "yes" vote is a vote to maintain the Town's special parcel tax at its current levels.

A "no" vote is a vote to end the levy of a special parcel tax for the Town.

/s/ **William B. Connors**
City Attorney, Town of Atherton

August 14, 2013

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Arguments in support of or in opposition to the proposed laws are the opinions of the authors.

Argument in Favor of Measure X

The parcel tax is not a new tax. It is a renewal of the Town's existing parcel tax which has been supported by the residents for the last 30+ years. As before, this tax will last four years and raises approximately \$1.86M annually, equaling \$7.5M over the four year term. The tax is about about \$750 per household for most residential parcels.

All parcel tax revenue goes directly to the Town, while only 9% of regular property tax revenue is received by the Town. Parcel tax revenue will continue to be allocated as a budget supplement for our public safety and crime prevention services and also fund capital improvements for street, drainage and flood control projects which have often been ignored.

While it is true, that the Town's financial situation has improved over the last two years, the parcel tax remains a critical funding source for many pressing capital improvement projects while also helping to maintain our current police services and the critical 9-1-1 capabilities.

Atherton receives little sales tax revenue and has few other sources. Whenever possible, grants are obtained to help fund capital projects; however grants are scarce in this economic climate. The Town acts prudently with your money and has received clean Audits. The Town scrutinizes budget expenditures to reduce costs where appropriate including the elimination of our long term liabilities.

Without the parcel tax our current reserves, which are for future economic uncertainties and emergencies, would be depleted.

The parcel tax renewal requires a two-third's majority. Please renew the parcel tax so that your local government can continue to provide the safety, security, road repairs, drainage and flood control work necessary to maintain the quality of life we all enjoy.

Please vote Yes for Atherton.

| | |
|--|-----------------|
| /s/ William R. Widmer Council Member | August 12, 2013 |
| /s/ Cary E. Wiest Council Member | August 12, 2013 |
| /s/ James Dobbie Council Member | August 12, 2013 |
| /s/ Elizabeth Lewis Mayor | August 12, 2013 |

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No Argument Against Measure X Submitted