

**RESOLUTION NO. 76935**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE CALLING AND GIVING NOTICE OF, ON ITS OWN MOTION, THE SUBMISSION TO THE ELECTORS OF THE CITY OF SAN JOSE, AT A SPECIAL MUNICIPAL ELECTION TO BE HELD ON JUNE 3, 2014, A BALLOT MEASURE PROPOSAL TO CONTINUE THE EXISTING LIBRARY PARCEL TAX**

**WHEREAS**, Charter Section 1600 authorizes the City Council to set the date for a Special Municipal Election; and

**WHEREAS**, the City Council desires to submit to the electors of the City of San José at a Special Municipal Election a ballot measure proposal to amend Chapter 4.79 of Title 4 of the San José Municipal Code to continue the San Jose Library and Reading Protection Act (Library Parcel Tax) for 25 years;

**NOW, THEREFORE**, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

**SECTION 1.** A Special Municipal Election is hereby called and ordered to be held in the City of San José on June 3, 2014, for the purpose of voting on a ballot measure to amend Chapter 4.79 of Title 4 of the San José Municipal Code to continue the existing San Jose Library and Reading Protection Act (Library Parcel Tax) for 25 more years. The proposed Ordinance amending the Municipal Code to continue the Library Parcel Tax and to make technical changes is attached to this Resolution as Exhibit A.

**SECTION 2.** The ballot measure will be placed on the ballot for the June 3, 2014 election in the following form:

**MEASURE \_\_\_\_\_**

**San José Libraries Local Funding Continuation Measure**

To continue existing, voter-approved funding for all San José's libraries and services, including: open hours; librarians; updated books/research materials; access to computers/technology; children's reading programs, story times, teen/senior programs; and adult literacy/job readiness, shall the City of San José continue its library parcel tax for 25 years, subject to independent annual audits and citizens oversight, with no change in the existing voter-approved tax rate formula?	YES	
	NO	

**SECTION 3.** The City Council hereby requests the Board of Supervisors of the County of Santa Clara, California to permit the Registrar of Voters of Santa Clara County to render to the City of San José such services as the City Clerk of the City of San José may request relating to the conduct of the above-described Special Municipal Election with respect to the following matters:

Coordination of election precincts, polling places, voting booths, voting systems and election officers; Printing and mailing of voter pamphlets; Preparation of tabulation of result of votes cast.

**SECTION 4.** The City Council hereby requests that the Registrar of Voters of the County of Santa Clara consolidate the Special Municipal Election called and ordered to be held on June 3, 2014 with any other election that may be held on that date.

**SECTION 5.** The City Council hereby authorizes the Board of Supervisors of Santa Clara County, California to canvass the returns of the Special Municipal Election.

**SECTION 6.** The City Council hereby directs the City Clerk to reimburse the County of Santa Clara in full for any of the above-mentioned services which may be performed by

the Registrar of Voters, upon presentation of a bill to the City, with funds already appropriated to the City Clerk for election purposes.

**SECTION 7.** The City Council hereby directs the City Clerk to take all actions necessary in order to facilitate the Special Municipal Election in the time frame specified herein and comply with provisions of the Elections Code of the State of California, City Charter, Ordinances, Resolutions and Policies with regard to the conduct of the Special Municipal Election.

**SECTION 8.** Pursuant to Section 12111 of the California Elections Code and Section 6061 of the California Government Code, the City Council hereby directs the City Clerk to (a) cause a synopsis of the proposed measure to be published in the San José Mercury News, a newspaper of general circulation within the City of San José; (b) consolidate the Notice of Measure to be Voted with the Notice of Election into a single notice; and if City Council chooses not to publish full text of ordinance, (c) cause the following statement to be printed in the impartial analysis to be prepared by the City Attorney: "If you would like to read the full text of the measure, see [www.sanjoseca.gov/clerk/elections/Election.asp](http://www.sanjoseca.gov/clerk/elections/Election.asp) or call 408-535-1260 and a copy will be sent at no cost to you."; and (d) do all other things required by law to submit the specified measure above to the electors of the City of San José at the Special Municipal Election, including causing the full text of the proposed measure to be made available in the Office of the City Clerk at no cost and posted on the City Clerk's website.

**SECTION 9.** Pursuant to Sections 9282 and 9285 of the California Elections Code, the City Council hereby approves the submittal of direct arguments for and against the ballot measure, if any, and authorizes any member or members of the Council to sign on to a written argument for the ballot measure submitted by "Save the San José Libraries 2014" but determines that rebuttal arguments will not be allowed.

**SECTION 10.** The City Council hereby directs the City Clerk to transmit a copy of the measure qualifying for placement on the ballot to the City Attorney for preparation of an impartial analysis.

ADOPTED this 4<sup>th</sup> day of March, 2014, by the following vote:

AYES: CAMPOS, CHU, CONSTANT, HERRERA, KALRA,  
KHAMIS, LICCARDO, NGUYEN, OLIVERIO, ROCHA;  
REED.

NOES: NONE.

ABSENT: NONE.

DISQUALIFIED: NONE.



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CHUCK REED  
Mayor

ATTEST



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TONI TABER, CMC  
City Clerk

EXHIBIT A

**PROPOSED ORDINANCE**

BE IT ORDAINED BY THE PEOPLE OF THE CITY OF SAN JOSE:

SECTION 1. Section 4.79.010 of Part 1 of Chapter 4.79 of Title 4, entitled "San José Library and Reading Protection Ordinance (Library Parcel Tax)" of the San José Municipal Code is amended to read as follows:

**4.79.010 Title and Purpose**

- A. This Chapter shall be known as the San José Library and Reading Protection Ordinance.
- B. The Library Parcel Tax imposed under this Chapter in 1994 is a special tax pursuant to Section 4 of Article XIII A of the California Constitution and is solely for the purpose of raising revenue necessary to maintain and enhance Neighborhood Library services in the City of San José. The Library Parcel Tax is not an *ad valorem* tax on real property nor a transaction tax nor a sales tax on the sale of real property.
- C. The intent in adopting this Chapter is to continue funding for Neighborhood Library services provided by the ~~expiring Library Benefit Assessment District.~~ Unless in conflict with the provisions of this Chapter, the mechanics of calculating and imposing the Library Parcel Tax shall be consistent with those employed in imposing assessments through the Library Benefit Assessment District, as implemented existing tax which expires on June 30, 2015.



- D. This Chapter shall be subject to Title 1, "General Provisions," of the San José Municipal Code, as amended, except to the extent that a provision of this Chapter conflicts with a provision set forth in Title 1, in which case the provision of this Chapter shall control.

SECTION 2. Section 4.79.310 of Part 3 of Chapter 4.79 of Title 4, entitled "San José Library and Reading Protection Ordinance (Library Parcel Tax)" of the San José Municipal Code is amended to read as follows:

**4.79.310 Library Parcel Tax Rates**

The Library Parcel Tax shall be imposed in accordance with the rates set forth in Exhibit A to this Chapter, subject to annual adjustment pursuant to Section 4.79.330. The rates specified in Exhibit A are the rates in effect for Fiscal Year 2013-14.

SECTION 3. Section 4.79.320 of Part 3 of Chapter 4.79 of Title 4, entitled "San José Library and Reading Protection Ordinance (Library Parcel Tax)" of the San José Municipal Code is amended to read as follows:

**4.79.320 Term of Library Parcel Tax**

The Library Parcel Tax shall take effect on July 1, 2005 for Fiscal Year 2005-06 and shall continue in effect for each Fiscal Year thereafter until June 30, ~~2045~~2040.

SECTION 4. Section 4.79.330 of Part 3 of Chapter 4.79 of Title 4, entitled "San José Library and Reading Protection Ordinance (Library Parcel Tax)" of the San José Municipal Code is amended to read as follows:

**4.79.330 Annual Adjustment of Library Parcel Tax Rates**

- A. ~~Commencing with Fiscal Year 2006-07,~~ The City Council may, by resolution of the City Council, annually increase the Library Parcel Tax rates if the City Council finds that the cost of living in the City of San José as shown on the CPI Index has increased over the preceding Base Period, as described in Subsection B.
- B. For purposes of calculating any increase to the Library Parcel Tax rates, the Base Period for Fiscal Year 2006-07, shall be the period commencing on July 1, 2005 and ending on March 31, 2006. For each Fiscal Year following Fiscal Year 2006-07, the Base Period shall be the February to February CPI reporting ~~period from April 1 through and including March 31, commencing with April 1, 2006 through and including March 31, 2007.~~
- C. The increase in the Library Parcel Tax rate shall not exceed the increase in the CPI Index for the applicable Base Period, but in no event shall the increase exceed three (3) percent.
- D. In the event the CPI Index is no longer published, the City Council shall use as its reference another index published by either the State of California or a federal department or agency that is charged with the responsibility of measuring the cost of living in the geographical area that includes the City of San José.

**EXHIBIT A**  
**LIBRARY PARCEL TAX RATES IN EFFECT FOR FISCAL YEAR 2013-14\***

*Land Use Classification*

*Tax Rate Adjusted as of July 1, 2013*

Single Family Parcels \$29.84//Parcel  
Condominium/Townhome Parcels \$29.84/Parcel

**Other Residential Parcels (Fraternity,  
Sorority, Boarding, Rooming House, Farm  
Labor Camp)**

Up to 20 Units \$11.19/Unit  
21 to 50 Units \$220.03 + \$7.46/Unit Greater than 20 Units  
51 to 100 Units \$447.31+ \$3.73/Unit Greater than 50 Units  
Over 100 Units \$633.45 + \$1.50/Unit Greater than 100 Units

**Multi-Family Residential**

Up to 20 Units \$15.00/Unit  
21 to 50 Units \$299.71 + \$9.99/Unit Greater than 20 Units  
51 to 100 Units \$599.32 + \$4.98/Unit Greater than 50 Units  
Over 100 Units \$848.70+ \$1.99/Unit Greater than 100 Units

**Commercial Parcels**

Less than or equal to 0.5 acres \$89.49/Acre  
Greater than 0.5 acres to 1.0 acre \$44.73 + \$59.67/Acre Greater than 0.50 Acres  
Greater than 1.0 acre to 5.0 acres \$74.56 + \$44.73/Acre Greater than 1.00 Acres  
Greater than 5.0 acres to 10 acres \$253.52 + \$29.84/Acre Greater than 5.00 Acres  
Greater than 10 acres \$402.68 + \$7.46/Acre Greater than 10.00 Acres  
Minimum Tax per Parcel \$14.90/Parcel

**Professional Parcels**

Less than or equal to 0.5 acres \$134.22/Acre  
Greater than 0.5 acres to 1.0 acre \$67.13 + \$89.49/Acre Greater than 0.50 Acres

**Professional Parcels (cont)**

\$111.85 + \$67.13//Acre Greater than 1.00 Acres

*\*Subject to Annual CPI Adjustment of up to 3% per Section 4.79.330.*



**EXHIBIT A**  
**LIBRARY PARCEL TAX RATES IN EFFECT FOR FISCAL YEAR 2013-14\***

***Land Use Classification***

***Tax Rate Adjusted as of July 1, 2013***

Greater than 1.0 acre to 5.0 acres	
Greater than 5.0 acres to 10 acres	\$380.31 + \$44.73/Acre Greater than 5.00 Acres
Greater than 10 acres	\$604.02 + \$11.19/Acre Greater than 10.00 Acres
Minimum Tax per Parcel	\$22.39/Parcel

**Industrial Parcels**

Less than or equal to 0.5 acres	\$44.73/Acre
Greater than 0.5 acres to 1.0 acre	\$22.39 + \$29.84/Acre Greater than 0.50 Acres
Greater than 1.0 acre to 5.0 acres	\$37.29 + \$22.39/Acre Greater than 1.00 Acres
Greater than 5.0 acres to 10 acres	\$126.77 + \$14.90//Acre Greater than 5.00 Acres
Greater than 10 acres	\$201.33 + \$3.73/Acre Greater than 10.00 Acres
Minimum Tax per Parcel	\$7.46/Parcel

**Vacant Parcels**

Less than or equal to 0.5 acres	\$11.18/Acre
Greater than 0.5 acres to 1.0 acre	\$5.58 + \$7.46/Acre Greater than 0.50 Acres
Greater than 1.0 acre to 5.0 acres	\$9.31 + \$5.58/Acre Greater than 1.00 Acres
Greater than 5.0 acres to 10 acres	\$31.64 + \$3.73/Acre Greater than 5.00 Acres
Greater than 10 acres	\$50.25 + \$0.93/Acre Greater than 10.00 Acres
Minimum Tax per Parcel	\$7.46/Parcel

*\*Subject to Annual CPI Adjustment of up to 3% per Section 4.79.330.*