

Fairfax Town Council Minutes
Adjourned Meeting
Fairfax Women's Club
Wednesday, March 14, 2013

COUNCILMEMBERS PRESENT: Larry Bragman
Pam Hartwell
Vice Mayor, David Weinsoff, presiding
Mayor John Reed, by telephone

STAFF MEMBERS PRESENT: Garrett Toy, Town Manager
Roy Clarke, Town Attorney
Michele Gardner, Deputy Town Clerk

Vice Mayor Weinsoff called the meeting to order at 7:15 p.m.

Approval of Agenda and Affidavit of Posting

M/S, Bragman/Hartwell, Motion to approve the agenda and the affidavit of posting with the addition of adjournment in memory of Mayor Reed's mother, and in memory of Former Councilmember O'Neil's father.

AYES: All

Vice Mayor Weinsoff announced Mayor Reed was present by telephone from Florida.

Open Time:

Susan Adams, Tamalpais Road, spoke in support of Candidate Barbara Coler.

Valeri Hood, Dominga, announced the next Film Night is March 22, and suggested putting a sign in the park to advertise the meeting to appoint a councilmember.

Tony Yudice, Forrest Terrace, asked about the remediation effort at the closed gas station. He noticed workers digging there, and the smell of gas emanating from the hole.

The Council directed staff to research any reports by DTSC.

Barbara Coler, Ace Court, stated that it was not a DTSC project.

Discussion and consideration of the options to fill the vacancy caused by the resignation of former Council Member Ryan O'Neil

Town manager Toy presented a staff report regarding the option for the Council to adopt an ordinance to appoint a member to fill the vacancy caused by former Councilmember O'Neil's resignation, for a period ending November 5, 2013. That seat could then be included as a special election in the regular election with a term set to expire in two years. This would change end of the term of the appointment from 2015 to the November 2013 election.

The time frame to adopt the ordinance could work with its introduction and first reading at a special

meeting on March 23, and the second reading and adoption at the regular April meeting.

Councilmember Bragman stated it made sense to make the process democratic with more than half the unexpired term left. He noted that this would mean four seats up for election in November.

Councilmember Hartwell expressed concern at the idea of four seats up for election at once. She questioned whether a candidate could run for more than one seat.

Attorney Clarke stated a candidate can put his/her name on the ballot only once, for either the two-year or the four-year seat.

Vice Mayor Weinsoff expressed support for the idea of an election, but concern for potential confusion for voters.

Mayor Reed stated it is important to debate the issues and an election provides the opportunity.

Councilmember Hartwell expressed concern that there might be far less competition for the two-year seat, leading to a "wild card". She asked whether all candidates could run for all four seats with the lowest of the top four winners, getting the two-year seat.

Staff was directed to explore the option of a "ranked" election, and bring back an ordinance for consideration.

Mr. Chris Lang, Canyon Road, supported adding the two-year seat to the three four-year seats, and the fourth highest vote getter would win the two-year seat, instead of a separate special election for the two-year seat.

Mr. Michael MacIntosh supported holding an election a seat whose term is less than 50% completed.

Ms. Susan Adams, asked for clarification regarding the scope of the proposed ordinance – would it apply to all Council vacancies going forward?

Attorney Clarke stated that there is no distinction in the scope of the ordinance between the lengths of the term remaining.

Councilmember Bragman was concerned that the town would be required to hold a special election on a future fulfillment. Attorney Clarke answered yes, and it could incur a significant cost (\$50,000).

Mayor Reed and Vice Mayor Weinsoff echoed this concern.

Town Attorney Clarke discussed possibility of the ordinance

Ms. Pamela Meigs, Cypress Drive, supported holding an election for the vacated seat because the remaining term is too long for an appointment, and stated there was a need for more information regarding how the ordinance could affect future vacancies.

Ms. Valeri Hood, Dominga, stated that it is too long a term to appoint, and supported holding an election for the seat.

Ms. Barbara Coler, Ace Court, supported the idea of an election, but requested more information.

Mr. Ryan O'Neil encouraged the Council to appoint a candidate to fill out his term.

Councilmember Bragman indicated that electing is important, but it is important not to ignore the issues it raises. He supported the idea of a ranked election. He expressed concern for problems the ordinance may cause in the future.

Ms. Renee Goddard, Cascade Drive, stated her concern for the possibility of a "clean sweep" of the Council, with four seats up for election at once.

When asked what would happen if the Council did not appoint anyone at this time, Attorney Clarke answered that the seat would remain vacant until the next election time (in this case, November, but it could be April, May, or June), and the elected candidate would fill out the remainder of the term, thereby maintaining the 3/2 turnover of terms. That remainder would be called out separately on the ballot. The timing worked out well in this case.

Peter Lacques, Cascade Drive, states that it is important to maintain the integrity of the election process, and suggested an ordinance that allowed you to appoint until the next regularly scheduled election.

Staff was directed to come back with more information and an ordinance for a first reading.

Adoption of the interview and appointment process for the selection of a candidate to be appointed to the vacancy – *Town Manager*

Town Manager Toy presented his staff report, which outlined a process modeled after San Rafael's. He noted that selecting a date for 12 people in the next three weeks would be a challenge.

Councilmember Hartwell suggested allowing 10 minutes per applicant, which would include two minutes for a presentation and eight minutes for Q&A by Council. Could use the same questions used to interview applicants for boards and commissions, and save "zingers" for the finalists.

Councilmember Bragman indicated he would prefer a less-scripted approach.

Ms. Pamela Meigs described how the Marin Sanitary Board interviewed candidates individually and used a point system.

Further discussion ensued of possible dates for a special meeting.

Councilmember Hartwell indicated that she plans to resign from the Council, prior to moving out of state in June.

The Council agreed on the process to select candidates: each candidate to get 10 minutes for a short presentation and three questions. The finalists would be selected for an additional interview.

Adjournment

M/S Reed/ Bragman to adjourn the meeting at 9:10 p.m. in memory of Nancy Campbell Reed and Robert Louis O'Neil.

AYES: All