

Fairfax Town Council Minutes  
Special Meeting  
Fairfax Women's Club  
**Wednesday, March 21, 2013**

Call to Order/Roll Call:

**COUNCILMEMBERS PRESENT:** Larry Bragman  
Pam Hartwell-Herrero  
John Reed  
David Weinsoff

**STAFF MEMBERS PRESENT:** Garrett Toy, Town Manager  
Michele Gardner, Deputy Town Clerk  
Jim Karpiak, Town Attorney

Mayor Reed called the meeting to order at 6:06 p.m.

Approval of Agenda and Affidavit of Posting

M/s, Weinsoff/Bragman, Motion to approve the agenda and affidavit of posting.  
AYES: All

Introduction and First Reading of Ordinance No. 769, An Ordinance of the Town Council of the Town of Fairfax establishing the procedure for replacement of Council Members who resign before the end of the elected term of office- *Town Manager/Town Attorney*

Town Manager Toy presented a brief staff report.

Councilmember Bragman had questions about the dates of the "next regularly established election" vs. the "next regularly schedule municipal election". Town Attorney Karpiak stated the "regularly scheduled municipal election" is the date when a Town elects its Councilmembers- every two years in November for Fairfax. Councilmember Bragman noted the ordinance would give them flexibility and options.

Councilmember Bragman asked if they could place a "sunset" provision in the ordinance. Town Attorney Karpiak stated "yes" and suggested the following language: "Section 2.04.040 shall sunset on January 1, 2016 and thereafter shall have no force and effect".

Councilmember Hartwell-Herrero stated she was concerned about having four seats open in November and the possible confusion it could create with respect to terms, etc.

Councilmember Bragman shared her concern and noted that was a lot of potential turnover. There are advantages to holding an election despite the uncertainties since it gives the public a chance to vote.

Councilmember Weinsoff stated running for election and walking the streets of Fairfax was a privilege. He supported a "sunset" provision.

Mayor Reed shared Councilmember Hartwell-Herrero's concern but noted the Fairfax electorate was very involved and knowledgeable.

Mayor Reed opened the public comment period.

Mr. Ryan O'Neil, Madrone Road, stated the process must be transparent and the Council must be accountable. Campaigning took a lot of time and energy. He advised them to keep things simple and appoint someone for the two-year term.

Ms. Valerie Hood, Dominga, stated the Council should make the decision that makes the most sense in the long-term.

Mr. Michael McIntosh stated he supported open democracy and transparency. An election would level the field and give the public a chance to vote on the matter.

Mr. Niccolo Caldararo, Frustuck Avenue, stated the Council could revisit this issue in the future. He would like the public to have the opportunity to vote.

A resident, Cypress Drive, stated she was disappointed in the light turnout for tonight's meeting. She wanted the public to have an opportunity to have a voice.

Ms. Renee Goddard agreed with Mr. O'Neil that the Council should keep things simple.

Mayor Reed closed the meeting to public comments.

M/s, Weinsoff/Bragman, Motion to waive further reading of Ordinance No. 769, an Ordinance of the Town Council of the Town of Fairfax adding Section 2.04.020 (Council Vacancies) to the Fairfax Municipal Code with the addition of the language suggested by the Town Attorney.

AYES: Bragman, Weinsoff, Reed  
NOES: Hartwell  
ABSENT: None

M/s, Bragman/Weinsoff, Motion to introduce by title only Ordinance No. 769, an Ordinance of the Town Council of the Town of Fairfax adding Section 2.04.020 (Council Vacancies) to the Fairfax Municipal Code with the addition of the language suggested by the Town Attorney.

AYES: Bragman, Weinsoff, Reed  
NOES: Hartwell  
ABSENT: None

Town Attorney Karpiak noted the ordinance would come back for a second reading and adoption at the April 3<sup>rd</sup> meeting.

The Council took a 20-minute break at 6:40 p.m.

Interview of candidates for appointment to complete the term of resigned Councilmember O'Neil or to serve until the November 2013 election- Town Manager

Mayor Reed discussed the interview process and noted that public comment would occur after the interviews.

The Council interviewed the following candidates: Mr. Christopher Lang, Mr. William Madsen; Ms. Barbara Coler, Ms. Renee Goddard, Mr. Mirza Khan, Ms. Barbara Coler, Mr. Bernard Del Santo, Mr. Peter Lacques.

The Council took a 5-minute break at 8:45 p.m.

Mayor Reed opened the meeting to public comments

Mr. Andy Peri stated he was impressed by the pool of candidates. He supported Ms. Renee Goddard.

Ms. Susan Adams, Tamalpais Road, stated she supported Ms. Barbara Coler who had seven years of public service.

Ms. Susan Goldsborough, Executive Director of Families for Clean Air, stated she supported Ms. Barbara Coler who had extensive credentials in the protection of public health and the environment.

Ms. Elizabeth Baker stated she supports Ms. Renee Goddard, who is a dedicated community servant.

Susan Bersa-Chudack stated she supported Ms. Renee Goddard, who was a fellow student in the Environmental Forum of Marin.

Ms. Mimi Newton, Mono Avenue, stated this was a great pool of candidates. She was concerned about the nature of the process and the possible results of appointing two replacement candidates. This could completely change the dynamics of the Town Council. She supported Ms. Barbara Coler.

Mr. Niccolo Caldararo, Frustuck Avenue, stated the Council had a difficult decision to make. He supported Ms. Barbara Coler.

Ms. Chelsea Donovan, Bothin Road, stated she supported Ms. Renee Goddard.

Ms. Pam Meigs, Cypress Drive, applauded all the applicants. She stated her support for Ms. Barbara Coler.

Ms. Valerie Hood stated she supported Ms. Barbara Coler and Mr. Peter Lacques.

Mr. Sierra Salin stated all the candidates were worthy but he supported Ms. Barbara Coler and Mr. Peter Lacques.

Mr. Ryan O'Neil stated a Councilmember should be a "statesman" and not a "politician". He supported Ms. Barbara Coler.

Mayor Reed closed the meeting to public comments

Mayor Reed stated the next step was for the Council to pick two final candidates.

Councilmember Bragman stated the number of applications was the sign of a healthy community. He chose Ms. Barbara Coler and Mr. Peter Lacques as final candidates.

Councilmember Hartwell thanked everyone for their comments. She chose Ms. Renee Goddard and Ms. Barbara Coler as final candidates.

Councilmember Weinsoff stated the Council had earned a well-deserved reputation for civility and transparency. He encouraged the applicants who were not chosen tonight to re-apply. He chose Ms. Renee Goddard and Ms. Barbara Coler as final candidates.

Mayor Reed chose Ms. Barbara Coler and Ms. Renee Goddard as final candidates.

Mayor Reed adjourned the meeting at 11:15 p.m.

Respectfully submitted,

Toni DeFrancis  
Recording Secretary